A BRIEFE SVMMARIE

of what is contained in this TREATISE.

Mar. 395

1.

Irſt, An *Admonition* to Engliſh Catholiks, to examin their cõſciences exactly concerning this *New Oath* of Allegiance: for that by refuſing the ſame if it bee lawfull and miniſtred

stred by good and full authoritie, (as this Treatise conuinceth it to bee) they hazard not only their temporall estates, but also their eternall saluation, by disobeying and resisting lawfull authoritie, and the ordinance of Almightie God.

2. *Secondly*, are set downe a *Copie* of the new *Oath* of Allegiance, *The* 13. Priests *Protestation*; Mr. *Iohn Colletons Petition* wherein hee confirmeth his former *Protestation*: and the *Acknowledgement* of Mr. *Thomas Greene*, (a Religious Priest of the order of Saint *Benedict*, and *Professour* of Diuinitie) concerning his opinion of the said *Oath* of Allegiance, with certaine notes and Obseruations added by the *Authour* to the said *Protestation*, & *Acknowledgement*.

3. *Thirdly*, Certaine generall *Obseruations* are set downe, to

know

know *first*, the nature and conditions of euery lawfull Oath. *Secondly*, what rules are to be obserued for the vnderstanding and interpreting of the true sense and meaning of any ambiguous word or sentence contained in any Law, and consequently in this *Oath* of Allegiance established by a *Parliamentall* Law. *Thirdly*, what was the intent and meaning of his *Maiestie* and the *Parliament*, in framing and proposing this new and vnwonted *Oath* of Allegiance, deuised vpon occasion of that vnwonted Barbarous and Deuillish Conspiracie of the *Powder-Traytours*; to wit, not to make a distinction, betwixt *Protestants* & *Catholikes*, but betwixt *Catholikes* & *Catholikes*, in point of their loyaltie and ciuill obedience, especially concerning the *Popes* authority to practise the deposition of *Princes*,

which was the ground of that damnable *Powder-Treason*. *Fourthly*, to know vpon what assured grounds the *Popes* authoritie to *depose* Princes, or to *practise* their deposition, may not only be barely denyed, but also abiured as *damnable*, *impious*, and *hereticall*: to wit, for that it is a controuersie among learned Catholikes, whether the *Pope* hath authoritie to deprive Princes or no: and consequently, that it is open iniustice in the *Pope*, and manifest Treason in the Subiect to attempt the dispossessing of any Soueraigne *Prince*, by vertue of this pretended authoritie and clayme, so long as this Controuersie remayneth a foot, and is not decided by a lawfull Iudge, and who without all doubt and Controuersie is known so to bee. *Fiftly*, *page* 64. it is shewed, that the *Pope* is no lawfull

Iudge

Iudge to end and decide this Controuersie concerning his own pretēded authoritie to deprive Soueraigne *Princes*; for that it is a Controuersie among Learned Catholikes, and approued by very many famous *Prelates*, *Cardinals*, and *Doctours* cited by the *Authour*, that the *Pope*, without the consent and approbation of a lawfull and vndoubted generall *Councell*, hath not authoritie to decide, determine, or define any doctrinal question at all, and much lesse in his owne particular cause, as is this Controuersie betwixt Him and Christian *Princes*: and that therefore although hee should take vpon him to decide this question, yet the Controuersie would still remayne a foote, and bee vndecided as it was before.

4. *Fourthly*, In the *first* eight Chapters it is cleerly shewed, that there

there is not any one Clause of the *Oath*, which wanteth either *Veritie, Iustice*, or Iudgement: and that therefore English Catholikes not only may lawfully, but also are bound in conscience to take it, when they are vrged thereunto by the *Magistrate*, whom the *Prince* and *State* hath appointed to tender the same: otherwise they resist lawfull authoritie, and the Ordinance of God, which *whosoeuer resist purchase to themselues damnation. Rom.* 13.

5. *Fiftly*, In the *ninth* and last Chapter are cleerly answered the *Popes* declaratiue *Breues*, forbidding English Catholikes to take the *Oath*, *for that it contayneth many things, which are manifestly repugnant to faith and saluation*; which *Breues* therefore doe not make, but only suppose the *Oath* to bee vnlawfull, as contayning in it some manifest falshood

or

or iniustice: and therefore, abstracting from the *Popes Breues*, some particular clause of the *Oath* must be proued to be vnlawfull, which this *Treatise* doth euidently conuince to bee vntrue. And *first* in this Chapter it is shewed, that it is no disobedience or irreuerence, not to obey such *declaratiue Breues*, seeing that they are grounded vpon one of these *two* (or rather vpon both) false suppositions: to wit, that either the doctrine for the *Popes* power to depriue *Princes* is certaine, of Faith, and out of all Controuersie, and the contrarie not approued by learned Catholikes, which *suppositon* is manifestly false: or else that the *Popes* power to *excommunicate*, to bind and loose, and to absolue from Oaths in general, and consequently his Spirituall authoritie is denyed in the Oath, which also is no

lesse

lesse vntrue: and that therefore English Catholikes not only may lawfully and without any disobedience or irreuerence, but also are bound in conscience not to obey them, considering that they are so preiudiciall to themselues, so scandalous to the *Catholike Roman Religion*, which they professe, and so iniurious to their *Soueraign Prince*, who, being in reall possession of his Kingdome, cannot vpon any controuersed Title or Power without open iniustice bee dispossessed thereof. *Secondly*, it is shewed, that albeit diuers *Popes* haue since the time of Pope *Gregorie* the VII. challenged to themselues authoritie to depriue *Soueraigne Princes*, yet they cannot bee truly said, to haue beene for any little time in possession of this their pretended authoritie, right and clayme: for that they haue euer beene resisted

and

and contradicted by Christian *Princes* and *Subiects* in this their pretended right and clayme, whereas, to possesse authoritie, right, or clayme to any thing, it is necessary, according to the approued doctrine of *Molina*, and *Lessius* both Iesuites, and of all Diuines and Lawyers, that it bee without resistance and contradiction of the aduerse part: but one may truly and really possesse corporall things, as Lands, Houses, Kingdomes, although hee, that pretendeth to haue right to the same, yea and perchance hath true right thereunto, contradict and resist neuer so much. *Thirdly*, it is shewed, that howsoeuer any man may vnder pretence of following a *probable* opinion, thinke himselfe excused in conscience and in the sight of God (wherewith *Princes* in their Tribunals doe not meddle, but leaue

leaue mens consciences to the iudgement of God, the only searcher of all mens hearts) by concurring with the *Pope* to the deposing and dispossessing of his Soueraigne *Prince*; yet considering that it is not only *probable*, but also most *certaine*, that hee is excused in conscience and in the sight of God, by defending his *Prince* against such damnable, and trayterous practises, which are grounded *at the most* vpon a *probable* power, title, and clayme, and also that hee cannot bee excused from formall Treason in the externall Court, both Ecclesiasticall and Secular of his *Soueraigne Prince*, who is in actuall possession of his Kingdome, & cãnot without open iniustice be dispossessed vpon any vncertayne and controuersed power, clayme, or title, though it were neuer so probable; it is euident

dent, that those Subiects might iustly bee accounted worse then mad, that would in such damnable and trayterous practises concurre with the *Pope* to the dispossessing of their *Soueraigne Prince*, vnder pretence of a power, or title, which, euen in speculation, and abstracting from practise, can be at the most but probable.

6. *Lastly*, are set downe, *First*, the *Oath* of *France*, or the *first Article* of the lower House of *Parliament*, wherein of two hundred *Deputies* for the third Estates were but six *Protestants*: *Secondly*, two *Arrests* or *Decrees* of the *Parliament* of *Paris*, forbidding vnder paine of Treason Cardinall *Bellarmines* Booke against *Barckley*, and *Suarez* Booke against our Kings *Maiesties* Premonition, and *thirdly* another *Decree* of the said *Parliament*, ordayning likewise that

no person of what qualitie or condition soever, doe teach the said doctrine of *deposing Princes as problematicall* or probable. All which *Decrees* are proued to be agreeable to truth and iustice, and that *Christian Princes*, by vertue of their temporall power, haue good and full authoritie, both to forbid the teaching, maintayning, and publishing of all vnnecessarie doctrines & positions, be they neuer so probable, as the teaching and publishing of the same tendeth to the subuersion of States and to the disturbance of the publike peace in the Ciuill Common-wealth, and is dangerous to the Crownes and liues of temporall Princes, and also to punish with temporall punishments the teachers, maintaynors, and publishers of the same.

AN ADMONITION TO ENGLISH Catholikes.

1. *Consider* with your selues, (*Deare Country-men*) how greatly this *new Oath* of *Allegiance* concerneth you all, not only in your temporall states and libertie, which in conscience you are bound to regard, and not wilfully

to cast away, (and the more if you haue a charge of Wife and Children, for whom in nature you are obliged to prouide) but chiefly in your soules health, which aboue all temporall things in this World you are bound to preferre. *For* Mat.16. *what doth it profit a man, if hee gaine the whole World, and sustaine the damage of his soule?* Now if this *new Oath* bee truely an *Oath* of *temporall Allegiance, and ministred by lawfull authoritie,* (as this *Treatise* doth conuince it to bee) doubtlesse you incurre the danger of eternall damnation if you refuse it, by disobeying and resisting the iust commandement of lawfull authoritie, and the Ordinance of Almightie God, from whom all power and authoritie doth proceed. *For he that resisteth power* (or Rom.13. authoritie) *resisteth the Ordinance of God; And they that resist purchase*

chaſe to themſelues damnation.

2. *Firſt* therefore, it behoo-ueth you that are *Lay-men*, to examine diligently this matter, and not to be led hoodwinkd into the pit both of ſpirituall and temporall miſerie, eſpecially by blinde and ignorant guides, who neither vnderſtand, nor are deſirous to know the true grounds of this important Controuerſie, and therefore can hardly bee drawne for the informing of your conſciences to deſcend with you in particular to the examination of the lawfulnes, or vnlawfulneſſe of euery Branch of this *Oath*, which many of them, (I ſpeak with griefe, and not without Booke) haue not ſo much as euer read, but to cloake their ignorance vnder colour of Zeale and Deuotion, without any further examining, they only cry out to you in generall termes, The *Church*,

the *Pope*, the *Rocke* is that, which good Catholikes ought to cleaue vnto; not knowing themselues, what authoritie is spirituall and due to the *Pope* or *Church*, and what authoritie is temporall and due to temporall *Princes*, and that the *Pope* is not the *Church*, but only the chiefe member thereof; and that the *Popes* opinion, and consequently his *Declaratiue Breues*, when they are grounded either vpon false suppositions, or else only vpon his opinion, are not the *Rocke*, whereon Catholikes ought to build their eternall saluation; and *lastly*, not considering, that many times when *Popes* and *Princes* haue beene and shall bee in opposition, the *Popes* both haue bin, may lawfully bee, and also ought to bee resisted. As the *resistance*, which *Philip* the Faire made to Pope *Boniface* the VIII. (who

deprived the ſaid *King*, & gaue his Kingdome to[a] *Albertus* the Emperour, and declared, that *he accounted them for Heretikes, who did not beleeue that the ſaid King was ſubiect to him in Spiritualls and Temporalls)* [b] and the reſiſtance, which *Lewis* the XII. made to Pope *Iulius* the II. (by whom he was depriued, and his Kingdome [c] giuen in pray to any that could take it) is well commended by *Lewis Richeome* Prouinciall of the *Ieſuites*, and propoſed for an example to be imitated; yea and he ſheweth, that whenſoeuer any *Biſhop* of *Rome* ſhould offend the *King* of *France*, as thoſe *Kings* were offended by thoſe *Biſhops*, the Ieſuites in ſuch an occaſion would doe that which good Clergiemen, and good *French-men* together with the ſaid King *Philip*, and *Lewis* did in thoſe times;

a Genebrard. *lib.4. ad annum* 1294.

b Vignerius *ad annum.*

c Genebrard. *lib.4.ad annum* 1503. Guicciardin. *lib.11.hiſt.* Richeome *in Apologet.cap.24* 25. See *Brerely* in the Preface of his *Proteſtants Apologie, &c. Sec.20.21.& ſeq.*

who defended their rights against those Popes, *Boniface* and *Iulius*, without any irreuerence to the *Sea Apostolike*. And therefore, I beseech you, *(Deare Countrey-men)* to take heed vpon what guides you relye for the directing of your soules in these important affaires, and remember that *Admonition* of our *Sauiour*, *Blinde they are, and guides of the blinde. And if the blinde be guide to the blinde, both fall into the ditch.*

Mat.15.

3. *Secondly*, you that are *Priests*, and haue taken vpon you to guide others in the way to saluation, and ought *to be alwayes readie to satisfie euery one that asketh you a reason of that* faith *which is in you*, if you thinke in your consciences the *Oath* to bee *lawfull, and ministred by good and full authoritie*, you ought to take great heede, that your soules bee not defiled, nor your

1.Pet.3

your consciences stayned with some worldly respect, and that neither hope of gaine or preferment, nor feare of want or disgrace keepe you backe from giuing warning to those, whom you are bound to guide, direct, and instruct, to beware of the danger, which they are like to fall into by resisting the Ordinance of God, if they refuse the *Oath*, when it is tendred them by *lawfull authoritie*; lest that you foreseeing their danger, and not crying out to them to take heede, be not only partakers of their spirituall harme, but doe also cooperate to their temporall ruine, and so haue cause to rue your silence, and to cry out your selues when it is too late, *Væ mihi quia tacui, Woe is mee because I haue held my peace.* Isa. 6.

But if perchance any of you, who in your consciences thinke the

Oath to be lawfull, *should* for some worldly respect, (which God forbid) cry out against the takers or approuers thereof, this were not only to sin most damnably against your owne consciences, but also in some sort against the *Holy Ghost*, and to impugne that, which in your soules and consciences you thinke, and acknowledge to bee true, which how hardly it is forgiuen *either in this World, or the next*, our *Sauiour* himselfe doth expresly witnesse.

Mat. 12.

4. *Lastly*, those *Priests* that in their consciences thinke the *Oath* to be *vnlawfull*, and thereupon do not only giue warning to those, whom they haue taken vpon them to guide and direct, to take heede, and beware of the spirituall danger, which they thinke will arise by taking the same, but also in their

their zeale do cry out againſt their Catholike Brethren, who either doe take the *Oath*, or thinke it to be lawfull, as *Apoſtates* from the *Catholike* Faith and Religion, and diſobedient children to the Pope and *Church*, (giuing the like occaſion to others to cry out againſt them, as *Apoſtates* from their naturall Allegiance, and diſobedient & diſloyall Subiects to their temporall Prince) it behoueth them moſt of all to looke to themſelues, and, (according to the admonition, which *Card. Bellarmine* vpon occaſion of relating the fearefull death of Pope *Innocentius* the III. giueth to Prelates and Paſtours) to examine all the ſecrets of their conſciences moſt exactly, leſt perchance it bee erroneous, albeit to them it ſeeme to be ſound & iuſt: and that their zeale (albeit to them ſelues

Bellar. *de gemitu, columbæ, lib. 2. cap. 9.*

ſelues ſeeme pure, and according to knowledge) bee not blind, and grounded vpon wilfull or culpable ignorance, like that, which the *Iewes* had in crucifying our *Sauiour*, and Saint *Paul*, (when he was *Saul*) in perſecuting his Diſciples, who thought thereby to doe *God* great ſeruice.

5. And truly if their *Zeale* were hurtfull to none but to themſelues, they would doubtleſſe be the more excuſable; but conſidering how preiudiciall it is both to his *Maieſties* honour, and alſo to his temporall *Soueraigntie*, how ſcandalous it is to *Catholicke* Religion, and how iniurious it is to their *Catholicke* brethren, not inferiour to themſelues in vertue and learning (whom they ſeeke to diſgrace, and to make odious to all

Catho-

Catholickes, especially to their benefactors and friends, and so by taking from them their good names and maintenance, to bring them into extreame want and miserie, and, as much as in them lyeth, into manifest desperation (for which they are one day to render a most strict account) they haue great cause to examine their consciences narrowly, and carefully to consider, vpon what assured grounds they can excuse themselues at the dreadfull day of Iudgement, for taking such scandalous, iniurious, and vncharitable courses, both against their *Soueraigne Prince*, (whom next vnder God they are bound to honour and obey in temporals) and also against

gainſt their *Catholicke* brethren, who not onely are as learned and religious as themſelues, but alſo haue examined this important controuerſie, and all the danger both ſpirituall and temporall that dependeth thereon, as diligently, if not farre more, then they themſelues haue done.

6. To the end therefore that all of you, (my *deare Countrimen*) may examine your conſciences in this poynt of the *Oath*, more eaſily and exactly, and be more fully inſtructed therein, then you haue beene by *I. E.* the *Authour* of the *Prelate* and the *Prince*, (who, if the common rumour bee true, will heare ſhortly with ſhame enough

nough what goodly *Instruct-ions* he hath giuen you) I haue out of *Roger Widdringtons* expresse doctrine and grounds collected this little *Treatise*, which for that it was finished this first day of the yeare, I am bould to present it to your Charities for a *New-yeares-gift*, as a small token of the great desire I haue both of your spirituall and temporall welfare... And my onely request is, that you will bee pleased to read it, as I hope you will, it beeing neither so prolixe, but that in some few houres you may runne it ouer, nor so obscure, but that any man of meane capacitie may vnderstand it, and after you haue read it, to iudge thereof accordingly. And if I shall heare, that you haue reaped

ped any benefit thereby, I ſhall thinke my paines exceeding well beſtowed; but howſoeuer, I ſhall not thinke my labour loſt by giuing you this euident token of my loue: for that the loue and dutie I owe to my *Prince* and *Countrie*, to the *Catholicke* Religion, and to you my deare *Catholick* brethren, and aboue all to *God* Almightie, the *Author* of all *truth*, yea *truth* it ſelfe, and *who will* in due time
Rom. 2. *render to euerie man according to his workes*, hath, for the defence of a *neceſſarie truth*, moued mee to take this paines. And ſo with my beſt wiſhes, I bid you heartily *farewell*, hoping that you will bee wiſe, and not be tranſported with a blind and intemperate zeale towards *Prince* or *Prelate*, but that you will bee carefull *to feare God*, to *honour the King*, and without all

all partialitie, *to render to* God *and* Cæſar (and conſequently to Popes *and* Princes) *that which is their due.*

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A Copie of the new Oath of Allegiance, deuided into eight Branches as it is in this Treatise explayned.

1. I *A. B. doe truely and sincerely acknowledge, professe, testifie and declare in my conscience before God and the World, That our Soueraigne Lord King* Iames, *is lawfull and rightfull King of this Realme, and of all other his Maiesties Dominions and Countries.*

2. *And that the Pope neither of himselfe, nor by any authoritie of the Church, or See of Rome, or by any other meanes which any other hath any Power or Authoritie to depose the King, or to dispose any of his Maiesties Kingdomes, or Dominions, or to authorize any forraigne Prince to inuade or anney Him or his Countries, or to discharge any of his Subiects of their Allegiance and Obedience to his Maiestie, or to giue license or leane to any of them to beare Armes, rayse Tumults, or to offer any*

Violence, or hurt to his Maisties Royall Person, State, or Gouernment, or to any of his Maiesties Subiects within his Maiesties Dominions.

3. *Also, I doe sweare from my heart, that notwithstanding any Declaration, or Sentence of Excommunication, or Deprivation made or granted, or to be made or granted by the Pope or his Successours, or by any Authoritie derived or to be derived from him, or his See against the said King, his Heires or Successours, or any absolution of the said Subiects from their Obedience, I will beare Faith and true Allegiance to his Maiestie, his Heires and Successours, and him and them will defend to the vttermost of my power, against all Conspiracies and Attempts whatsoeuer, which shall be made against His, or their Persons, their Crown and Dignitie, by reason or colour of any such Sentence or Declaration or otherwise, and will doe my best endeuour to disclose and make knowne vnto his Maiestie, his Heires and Successours, all Treasons and Trayterous Conspiracies, which I shall know or heare of to bee against him or any of them.*

4. *And*

4. *And I doe further sweare, That I doe from my heart abhorre, detest and abiure, as impious and heretical, this damnable doctrine, and position, That Princes which bee excommunicated or deprived by the Pope may be deposed or murthered by their Subiects, or any other whatsoeuer.*

5. *And I doe beleeue, and in conscience am resolued, that neither the Pope, nor any person whatsoeuer hath power to absolue mee of this Oath, or any part thereof.*

6. *Which I acknowledge by good and full authoritie to bee lawfully ministred vnto me, and doe renounce all Pardons and Dispensations to the contrarie.*

7. *And all these things I doe plainly and sincerely acknowledge and sweare, according to these expresse words by mee spoken, and according to the plaine and common sense and vnderstanding of the same words without any Equiuocation, or mentall euasion, or secret reseruation whatsoeuer.*

8. *And I doe make this recognition and acknowledgement heartily, willingly and truly vpon the true Faith of a Christian. So helpe me God.*

A Copie of the *Protestation*, which *thirteene* Reuerend Priests made of their *Allegiance* to Queene *Elizabeth*, by a publike Instrument the last day of *Ianuary* 1602. in the last yeere of her *Maiesties* Reigne.

WHereas it hath pleased our *Dread* Soueraigne Ladie *to take some notice of the Faith, and Loyaltie of vs Her naturall borne Subiects* Secular Priests (*as it appeareth in the late* Proclamation) *and of her* Princelike *clemencie hath giuen a sufficient earnest of some mercifull fauour towards vs (being all subiect by the Lawes of the Realme to death by our returne into the Countrie after our taking the Order of Priesthood since the first yeere of Her* Maiesties *Reigne) and only demandeth of vs a true profession of our* Allegiance, *therby to bee assured of our fidelitie to Her* Maiesties *Person, Crowne, Estate and Dignitie*, Wee, *whose names are vnderwritten, in most humble wise prostrate at Her*

Her Maieſties *feet doe acknowledge our ſelues infinitely bound vnto Her* Maieſtie *therefore, and are moſt willing to giue ſuch aſſurance and ſatisfaction in this point, as any Catholike* Prieſts *can or ought to giue vnto their* Soueraignes.

Firſt, *therefore wee acknowledge, and confeſſe the* Queenes Maieſtie *to haue as full Authority, Power and Soueraigntie ouer vs, and ouer all the Subiects of the Realme, as any Her* Highneſſe *Predeceſſours euer had: And further we proteſt, that we are moſt willing and readie to obey Her in all Caſes and Reſpects as farre forth, as euer Chriſtian Prieſts within this Realms, or in any other Chriſtian Countrie were bound by the Law of God and Chriſtian Religion to obey their Temporall* Princes; *as to pay Tribute, and all other Regall Duties vnto Her* Highneſſe, *and to obey Her Lawes and Magiſtrates in all Ciuill Cauſes, to pray vnto God for Her proſperous and peaceable Reigne in this life according to his bleſſed will, and that ſhee may hereafter attaine euerlaſting bliſſe in the Life to come. And this our acknowledgement*

wee thinke to bee so grounded vpon the Word of GOD, *as that no Authoritie, no Cause, or pretence of Cause can or ought (vpon any occusion) be a sufficient Warrant more vnto vs then to any Protestant to disobey Her* Maiestie *in any Ciuill or Temporall matter.*

Secondly, *whereas for these many yeeres past diuers Conspiracies against her* Maiesties *Person and Estate, and sundrie forcible attempts, for inuading and conquering her Dominions, haue bin made vnder we know not what pretences and intendments of restoring Catholike Religion by the sword (a course most strange in the World, and vndertaken peculiarly and solely against Her* Maiestie, *and Her Kingdomes among other Princes departed from the Religion and Obedience of the* See Apostolike (*no lesse then she*) *by reason of which violent Enterprizes, her* Maiestie, *otherwise of singular clemencie toward Her Subiects, hath beene greatly mooued to ordayne, and execute seuerer Lawes against Catholikes (which by reason of their vnion with the* See Apostolike *in Faith and Religion, were easily supposed to fauour*

these

these Conspiracies and Innuasions) *then perhaps had euer bin enacted or thought vpon, if such Hostilitie and Warres had neuer beene vndertaken*; We, *to assure Her* Maiestie *of our faithfull Loyaltie also in this particular cause doe sincerely protest, and by this our publike fact make knowne to all the Christian World, That in these cases of Conspiracies, of practizing Her* Maiesties *death, of Innuasions, and of whatsoeuer forcible Attempts, which hereafter may be made by any forraigne* Prelate, Prince *or* Potentate, *whosoeuer either ioyntly or seuerally for the disturbance or subuersion of Her* Maiesties *Person, Estate, Realmes, or Dominions, vnder colour, shew, pretence or intendment of restoring the Catholike Romane Religion in* England, *or* Ireland, We *will defend Her* Maiesties *Person, Estate, Realmes and Dominions from all such forcible and violent assaults and iniuries. And moreouer* Wee *will not only our selues detect and reueale any Conspiracies or Plots which we shall vnderstand to bee vndertaken by any* Prelate, Prince, *or* Potentate *against Her* Maiesties *Person or Dominions for any*

cause whatsoeuer as is before expressed, and likewise to the vttermost of our power resist them, but also will earnely perswade, as much as in vs lyeth, all Catholikes to doe the same.

Thirdly, if vpon any Excommunication denounced or to bee denounced against Her Maiestie, or vpon any such Conspiracies, Inuasions or forcible Attempts to be made as are before expressed the Pope should also excommunicate euery one borne within Her Maiesties Dominions that would forsake the aforesaid defence of Her Maiestie and Her Realmes, and take part with such Conspirators, or Inuaders in these and all other like Cases, wee in these and all such like Cases doe thinke our selues, and all the Lay-Catholikes borne within Her Maiesties Dominions not bound in conscience to obey this or any such like Censure, but will defend our Prince and Countrie, accounting it our duties so to doe, and that notwithstanding any Authoritie, or any Excommunication whatsoeuer either denounced or to bee denounced as is aforesaid, to yeild vnto Her Maiestie all obedience in Temporall Causes. And

And because nothing is more certaine, then that whilst we endeuor to assure Her Maiestie *of our dutifull Affection and Allegiance by this our Christian and sincere* Protestation, *there will not want who will condemne and misconstrue our lawfull Fact, yea, and by many sinister suggestions and calumnies discredit our doings with the Christian World, but chiefly with the* Popes Holinesse *to the greatest preiudice and harme of our good names and persons that may be, vnlesse maturely wee preuent their endeuours herein,* Wee *most humbly beseech Her* Maiestie, *that in this our recognizing and yeilding* Cæsars *due vnto Her, wee may also by Her* Gracious *leaue be permitted, for auoyding Oblequie and Calumnies, make knowne by like publike Act, that by yeilding Her right vnto Her, wee depart from no bond of that Christian Dutie which we owe vnto our Supreme spirituall Pastour.*

And therefore wee acknowledge and confesse the Bishop *of* Rome *to be the Successour of* Saint Peter *in that See, and to haue as ample and no more Authoritie or Iurisdiction ouer vs and other Chri-*

Christians, then had that Apostle by the gift and commission of Christ *our Saviour, and that* Wee *will obey him so farre forth as we are bound by the Lawes of God to doe, which we doubt not but will stand well with performance of our Duty to our Temporall* Prince *in such sort as we haue before professed. For as we are most ready to spend our blood in the defence of Her* Maiestie *and our Country, so we will rather lose our liues, then infringe the lawfull authoritie of* Christs *Catholike Church.*

William Bishop.
Iohn Colleton.
Iohn Mush.
Robert Charnocke.
Iohn Bosseuile.
Anthonie Hebborne.
Roger Cadwallader.
Robert Drury.
Anthony Champney.
Iohn Iackson.
Francis Barneby.
Oswald Needham.
Richard Button.

This

This *Proteſtation* of the *thirteene Catholike Prieſts* (to which a great number more would haue ſubſcribed, if the Articles which thoſe Prieſtes gaue vp to the State, had beene returned them backe, but ſome few dayes before the end of the time prefixed to them by the *Proclamation*, to make known to the State their Allegiance) was the ground and foundation from whence the *Parliament* (as the Lord Archbiſhop of Canterburie D. *Bancroft* told a friend of mine) framed the forme of this *new Oath* of *Allegiance*, as agreeable to the doctrine, which any Catholike ſubiect, according to the grounds of true Catholike Religion, might lawfully maintaine, to make thereby a *true diſtinction not betweene Proteſtants, and Catholikes, but betweene ciuilly obedient Catholikes, and in all other things good Subiects, and ſuch other Catholikes as in their hearts maintained the like violent bloodie maximes that the Powder-Traitours did.* And doubtleſſe, whoſoeuer will compare the *new Oath*, and their *Proteſtation* together, and doe with-

See *beneath* in the *third* Obſeruation.

withall consider, that Queene *Elizabeth* was long before that time depriued of all *Regall power, authoritie, dignitie*, and *Iurisdiction* by the *Bull* of *Pius Quintus*, and also obserue vpon what assured grounds and principles those *Priests* could lawfully acknowledge her *Maiesty* to *haue as full Authority, Power and Soueraignty ouer them and all the Subiects of this Realme, as any Her Predecessours euer had*, and also could lawfully promise, *that they would yeild to Her* Maiestie all *Obedience in Temporall Causes, notwithstanding any authority, or any Excommunication whatsoeuer denounced or to be denounced against Her* Maiestie, *or Her Subiects, as is aforesaid*; he will cleerly perceiue, that their *Protestation* is all one in effect and substance with this *new Oath* of Allegiance, and that the only difference betwixt them is, that in the *Oath* the *Popes* authority to depose the King, &c. is expresly and in plaine wordes denyed, and in their *Protestation* the deniall thereof is only couertly, vertually, and by a necessary consequence implyed; notwithstanding

ding all the euasions, tergiuersations, turnings, windings, sayings and vnsayings, which any one of these Priests (if for some worldly respect or other motiue hee should now repent him of what he had done) could to excuse himselfe from Periurie, possibly vse or inuent.

A Copie of Master *Iohn Colletons* Petition to the Lord *Archbishop* of *Canterburies Grace*, wherein hee confirmeth his former *Protestation*, many yeeres after the *new Oath* of *Allegiance* was established.

IF *your* Grace *and the* State *saw the present affections of my heart, and were pleased to looke on my carriages past, neyther troublesome, or vnrespective, I hope the fauour I am to desire, albeit it may seeme extraordinary, yet the same could not altogether be deemed vnworthily extended. The* voluntarie *and* free Recognition *I made in the late* Queenes *Reigne as it then sufficed, and is now extant in print, so doth*

doth it ſtill witneſſe the readineſſe of my profeſſed Allegiance in all Secular and Ciuill affaires. Neither haue I bin, am now, or by Gods grace euer ſhall be otherwiſe affected, then in like ſort to acknowledge his Maieſtie that now gouerneth, for my lawfull Dread Soueraigne, obey in all Politicall adminiſtration, and defend his ſacred Perſon, Crowne, and Dominions to the vttermoſt of my power againſt all enemies of what place and calling ſoeuer. The commiſeration I moſt humbly beſeech your Grace to take of my aged yeeres, accompanied with ſundrie infirmities, is, to ſtand ſo good Lord vnto me, as to enlarge me vpon ſufficient ſecuritie for my appearance before your Honour, at the time your Lordſhip ſhall thinke fit to aſſigne, An euident meane of lengthing my life, beſide the eaſing of the heauy charge my impriſonment impoſeth. I would very gladly haue beene herein my owne Sollicitour in perſon, but that I hold the boldneſſe greater in reſpect of my diſgraceſull ſtate, then I durſt to aduenture on without your Lord-

Lordſhips *good liking thereunto firſt vnderſtood.* 26. *of* March, 1610.

Your *Graces* moſt ſuppliant Petitioner,

IOHN COLLETON.

A *Copie* of the *Declaration* and *Acknowledgement* which Maſter *Iames Houghton*, alias *Thomas Green*, a Religious Prieſt of the Order of Saint *Benedict*, and profeſſour of Diuinitie, made vnder his owne hand writing to the *Lord* Biſhop of *Durham*, the firſt of *November*, 1619. touching his opinion of the Oath of Allegiance.

Iames Houghton, alias, *Thomas Green*, his opinion touching the Oath of Allegiance.

1 FIrſt, *I do ingenuouſly confeſſe, that his* Maieſtie *had very iuſt cauſe, by occaſion of that moſt trecherous plot of the* Gunpowder-Treaſon, *to propoſe to all his*

his Subiects Englisſh Catholikes an Oath *of ciuill fidelitie and obedience due vnto* Kings *both by the Lawes of God and Nature, and that in moſt effectuall and peremptory termes, for tryall of their fidelity and loyalty to His* Maieſtie *their true* Soueraigne *Lord and King.*

2. Secondly, *it ſeemeth to me, that the Church had done her dutie, if ſhe had ſhewed her diſlike of that odious practice of the* Gun-powder-Treaſon, *by ſome publike declaration in deteſtation thereof, both for his* Maieſties *ſatisfaction, and for the confirmation of his* Catholike *Subiects in their fidelity and allegiance vnto Him.*

3. Thirdly, *I doe ingennouſly confeſſe, that to me it ſeemeth moſt true, that the doctrine, which approueth murthering of Kings by their owne Subiects or any elſe, is both* damnable *and* hereticall, *yea, though it be* in caſu Apoſtaſiæ a fide aut Infidelitatis, in case of Apoſtaſie from faith, or of Infidelitie.

4. Fourthly, *I do ingennouſly grant, that it ſeemeth to mee in my priuate iudge-*

indgement, that there is nothing in the Oath, *but that it may, according to* Roger Widdrington *his Gloſſe and Expoſition, be lawfully taken of Engliſh Catholikes His* Maieſties *Subiects, though ſome both Learned and Religious hold the contrarie.*

Yet I finde three ſcruples *concerning the* Oath, *which cauſe mee to entreate ſome further time of conſideration and conference for my better ſatisfaction.*

The firſt *is, concerning the* Romane Councell *vnder* Gregorie *the ſeuenth, and the* Councell *of* Lateran, ſub Innocentio tertio, *whether they haue defined any thing in this point.*

The Second *is, whether it bee fit for mee to oppoſe my priuate iudgement to two* Breues *of the* Pope, *that ſay in the* Oath *there bee many things contrarie to faith and ſalvation, though they expreſſe not any thing in particular.*

The Third *is, whether by taking the* Oath *I ſhall not giue ſcandall to many learned Prieſts and Catholikes, who refuſe it, and for refuſall hazard their liues and Eſtates.*

In regard whereof I humbly pray

further respite, for better consideration and confererence: And in the meane time I promise *and* vow, *to be a true & faithfull Subiect to His* Maiestie *& His Successours during my life, and so am fully resolued to continue, notwithstanding any* Sentence *from the* Pope whatsoeuer *of* Excommunication, Deposition, *or* Absolution *of his* Maiesties *Subiects from their naturall obedience to Him, and his Heires, &c. for whom I most affectionately pray God of his infinite mercie, specially to direct and assist in all their actions and proceedings.*

Thomas GREENE.

But as touching the three scruples mentioned in the *fourth Article*, it is to bee obserued, that all of them are particularly and verie cleerely answered by *Roger Widdrington*.

Widdringt. *in Discuss. Discuss. part. 3. sec. 2. & in detectione. calum. D. Schulck. §. 7 nu. 16 & seq.* Bell. *lib. 2. de Rom. Pont. c. 12.*

And *first* to the *Councell* of *Rome* vnder Pope *Gregorie* the Seuenth, hee sheweth, that in the Canon, *Nos Sanctorum*, nothing is defined, if wee regard the rules, which Cardinall *Bellarmine* alleageth to make a true definition,

nition, neither is there any mention made in that decree of any consent of the Bishops, who were present; and that albeit any thing mentioned in that degree had beene expressly defined, yet considering that it is a probable doctrine, that the *Popes* definitions in a Prouinciall Councell, as was that *Romane Councell*, are vncertaine and fallible, they cannot make the doctrine, which they define, to be certaine, and the contrarie to bee improbable.

Secondly, hee sheweth, that neither from the words of that *Canon* it can bee gathered, that the *Pope* hath authoritie to depriue *Soueraigne Princes*, but only *inferiour Lords* and *Magistrates* by the consent and authoritie of those *absolute Princes*, to whom they are subiect in temporalls: and that therefore that Canon *Nos Sanctorum* is to bee vnderstood only of those, who are subiect to the *Pope* in temporalls, and hath force to binde only in his owne Territories, or it was confirmed by the consent and authoritie of other absolute *Princes*, as ma-

ny learned Canoniſts mentioned by Pope *Innocentius*, *Hoſtienſis*, and *Ioannes Andreas* expound the Canon, *Ad abolendam de hereticis*. And as concerning the *Dictatus Papæ*, which *Leſſius* vrgeth and attributeth to a *Roman Councell*, wherein it is expreſly ſaid, *That the Pope hath power to depoſe the Emperour: That he hath power to abſolue ſubiects from their Allegiance*, *Widdrington* ſheweth that they neither belong to any *Romane Councell*, nor containe any definition, but only a declaration of the ſaid Pope *Gregories* opinion, who thought hee had ſuch authoritie, and that hee might lawfully practiſe it, wherein neuertheleſſe, as being *a thing neuer heard of before that Age*, ſaith *Onuphrius*, hee was greatly, and might lawfully be contradicted by true and vertuous Catholikes, as alſo at this preſent many other opinions of *Popes* concerning their Diſpenſations and Abſolutions in other things are contradicted by vertuous and learned Catholike Diuines.

In can. Ad abolendam.

Widdringt. in Diſput. Theol. cap. 3. ſec. 1.

Onuphrius lib. 4. de varia creat. Rō. Pont.

To the *Councell* of *Lateran*, *Widdring-*

drington hath answered at large, both in a peculiar *Treatise* of the Decree of this Councell against *Lessius*, and also in his Confutation of *Fitz-herberts* Reply, wherein hee sheweth, that, according to the doctrine and exposition of famous and learned *Canonists* and *Diuines*, the Decree of this *Councell* neither was, nor could be vnderstood of *Emperours, Kings*, and *absolute Princes*, who in temporall matters, wherein they are supreme and subiect to none but God, are not comprehended vnder any generall names, if the matter be penall and odious, and much lesse vnder the generall name of a *Temporall* or *Principall Magistrate* or *Lord*, (as neither an *Abbot* is in penall and odious matters comprehended vnder the generall name of a *Monke*, nor a *Bishop* vnder the generall name of a *Priest*) but that it is only to be vnderstood of *Dukes, Earles, Maiors, Bailiffes*, and such other inferiour temporall *Lords* and *Magistrates* (as likewise by the names of a *Temporall* and *principall Lord* or *Magistrate*, they are com-

prehended in the *Emperours* Decree, who vseth the verie same generall words;) and that therefore this *Decree* of the *Lateran Councell* had force to bind only in the *Popes* temporall Dominions, or it was confirmed by the authoritie and consent of *Soueraigne Princes*, to whom such inferior *Lords* and *Magistrates* were subiect.

To the *second* Scruple concerning the *Popes* Breues, *Widdrington* hath fully answered in his *Theologicall Disputation*, and more at large in his *Answere* to *Fitz-herbert*: and partly in the last Chapter of this *Treatise*, wherein hee sheweth, that it is no disobedience or irreuerence not to obey these *declaratiue Breues*, being grounded vpon false suppositions, as he conuinceth them to be, and that it is not only fitting, but necessarie for euerie good and vertuous Catholike, not to obey any such Breues, especially when they command a thing which is in preiudice of a third person, as is the forbidding of this *Oath*, which is so preiudiciall not onely to

cap.10. sect.2. part.3.cap.vlt.

His

His *Maiestie* and his subiects, but also to the temporall *Soueraigntie* of all other absolute *Princes*.

To the *third* Scruple concerning the *scandall*, *Widdrington* hath fully answered, partly in the *Preface* of his *Apologeticall Answere*, and more fully in his *Theologicall Disputation* wherein hee hath shewed, that if the *Oath* be lawfull, and doth not containe any falshood or iniustice, but is an *Oath* of true temporall Allegiance, and ministred by good and full authoritie, as this *Treatise* doth make manifest, it is no *giuing* of scandall to take the *Oath*, but that those Priests and Catholikes doe *giue* great scandall by refusing it, and giue iust occasion to all *Protestant Princes* and *subiects* to thinke, that true temporall Allegiance due to a temporall *Prince* cannot, according to the grounds of the Catholike *Roman* Religion, stand with true spirituall obedience due to the *Pope* and other spirituall Pastours, whereby they mightily wrong all temporall *Princes*, they greatly scandalize the Catholike *Roman* Religion, & as much nu. 21. cap. 10. sect. 3.

as much as in them lyeth, they seeke to auert all *Protestant Princes* and *subiects* from shewing any fauour to the professors of the same.

A Plaine and necessarie Preamble, *wherein certaine important* Obseruations *are set downe, for the better vnderstanding of this new* Oath *of* Allegiance.

BEfore I come to explaine the particular branches of this new *Oath* established by *Act* of *Parliament*, I thinke it not amisse to set downe by way of a *Preamble* or *Preface* certaine generall Obseruations, which may giue no little light to the better vnderstanding of the same.

The *First* Obseruation.

1. *First*, therefore to know the nature and conditions of an *Oath*, it is to be obserued, that euerie lawfull *Oath* must be *discreet, iust*, and *true*; according to that of the Prophet *Ieremie*, *And thou shalt sweare in Truth, and in Iustice, and in Iudgement.*

Ierem. 4.

Iudgement is required chiefly in regard

regard of the ſwearer, that hee take not the Name of God in vaine, raſhly, irreuerently, without iuſt and vrgent occaſion, and not duly examining the truth of what he ſweareth; for the matter or thing which is ſworne, may oftentimes bee true and iuſt, and yet the Name of God may bee taken in vaine, and without iuſt cauſe or neceſſitie to confirme the ſame.

Iuſtice is required chiefly in a *Promiſſorie Oath*, to wit, wherein ſomething is promiſed for the future time to be done or omitted: and therefore as it is vnlawfull to promiſe any thing which is vniuſt, ſo is it more vnlawfull to confirme that vniuſt promiſe by Oath. Yet *Iuſtice* may alſo ſometimes bee wanting in an *Aſſertorie Oath*, as when one reuealeth a ſecret, which in Iuſtice hee is bound to conceale, and confirmeth the ſame by Oath, for then he ſweareth truly, but vniuſtly.

Veritie or *Truth* is neceſſarie in all Oaths, for alſo in a *promiſſorie* Oath two kinds of *veritie* are required; the

one

one is for the peſent time (wherein it reſembleth the nature of an *Aſſertorie Oath*) for hee that promiſeth to doe, or not to doe any thing, muſt haue his words agreeable to his minde, and therefore muſt for the preſent haue a minde or intent to performe what hee promiſeth; otherwiſe hee ſweareth vntruly; the *ſecond* veritie is for the future time; for he that promiſeth any thing, calling God for witneſſe of his promiſe, and through his owne default doth not performe his promiſe at the time appointed, is forſworne, and his *promiſſorie Oath* wanteth *veritie*: But *truth* and *veritie* is chiefly required in *Aſſertorie Oaths*, to wit, wherein ſome thing is affirmed to be true or falſe. And therefore as it is vnlawfull for one to affirme that to be true, which hee knoweth to bee falſe, and contrariwiſe, for this were expreſly and formally to lye, or to affirme that to be true or falſe, whereof he is vncertaine or doubtfull, for this were to expoſe himſelfe to danger of ſpeaking an vntruth, ſo alſo it is much more vnlawfull to confirme the ſame by Oath. 2.

2. Whereupon *Periurie* is defined by the Schoole-Diuines to be *a lye confirmed by Oath.* And therefore as a lye is deuided into a *formall* lye, to wit, when one affirmeth any thing to be true or falſe, and thinketh otherwiſe in his mind (for *to lye*, ſaith Saint *Auguſtine*, *is to ſpeake againſt that which hee thinketh in his minde,*) and into *a materiall* lye, to wit, when one ſpeaketh as hee thinketh, and yet in very deed it is otherwiſe; So *Periurie* is deuiued into *materiall* and *formall* Periurie, for that *Periurie* is a *lye confirmed by Oath*, and only addeth to a *lye* the calling of God to witneſſe of what hee ſpeaketh. And therefore whatſoeuer may bee affirmed without danger of *lying*, may be ſworne without danger of *Periurie*: and as the falſhood which maketh a *formall* lye, is not to bee taken from the thing as it is in it ſelfe or *ex parte rei*, but as it is conceiued by the ſpeaker, for that to *lye* is to ſpeake againſt the minde, ſo the falſhood, which maketh *formall* Periurie, is not to be taken from the thing which is ſworn,

Magiſter *in* 3. *diſt.* 39. *S. Thom.*

Auguſt. *lib de Mendacio.*

as it is in it selfe, or *ex parte rei*, but as it is against the mind and knowledge of the swearer.

Valentia *tom.*3 *disp.*6.*q.*7.*p.*3. Sayrus *lib.*5. *Thesauri cap.*4. *nu.*7.

3. For *the veritie, which is required in an Oath, consisteth in this*, saith *Gregorius de Valentia & Sayrus, that the thing bee true, at least wise according to the reasonable iudgement of the swearer. And therefore it is to be observed*, that to iudge whether an *Oath* be true or false, we must not so much regard the thing sworne, as the mind and knowledge of him that sweareth. So that *whosoeuer affirmeth a thing by Oath*, saith *Silvester* and *Petrus Aragona, in that manner as hee knoweth it to be true, is not formally forsworne:* as if he sweare his opinion, acknowledgement, or perswasion, he must be morally certaine, that he is so perswaded, if he sweare it absolutely to bee so, he must bee morally certaine it is so, otherwise he exposeth himselfe to danger of being forsworne, and although in very deed it fall out otherwise, then he is morally certain, yet he is excused in the Court of Conscience from the sinne of Periurie, and hee is not *formally*, but only *materially* forsworne.

Silvest. *verbo* Periurium *q.*1. Aragoua, 2.2. *q.*89. *art.*3.

4.

4. *Secondly*, to know in what ſenſe the words of euery *Law*, and conſequently of this *Oath*, which is eſtabliſhed by a *Parliamentall Law*, ought to be taken, it is to bee *obſerued* out of the doctrine of *Franciſcus Suarez a famous Ieſuite*, that the "*words of euery Law are commonly to* "*be vnderſtood according to their pro-* "*per and vſuall ſignification, and that* "*if any wordes haue many proper and* "*vſual ſignifications, that ſenſe is to be* "*taken, wherein the Law-maker doth* "*vnderſtand them, becauſe vpon the* "*will and intention of the Law-maker* "*(which is the ſoule of the Law) the* "*ſubſtance and force of the Law,* "*doth chiefly depend. Whereupon if by* "*any meanes the will of the Law-ma-* "*ker can bee knowne, according to it* "*eſpecially wee muſt interprete the* "*words of the Law, becauſe that is the* "*true interpretation of the Law, by* "*which we follow the meaning and will* "*of the Law-maker. But if by the de-* "*claration of the Law-maker wee can-* "*not gather the meaning of any equi-* "*uocall and ambiguous word or ſen-* "*tence*

The *Second* Obſeruation.

Suarez *lib.6.de* Legibus *cap.1.*

" tence contayned in the Law, then we
" muſt vſe thoſe rules, which in all am-
" bigvous and doubtfull ſpeeches are
" prudently to be obſerued: to wit, that
" the matter or contents of the Law,
" with the antecedents, & conſequents,
" and other circumſtances be diligently
" conſidered, for by them the meaning
" of the words, and the will of the Law-
" maker will eaſily be gathered. And
" eſpecially we muſt conſider the begin-
" ning, Preface or Preamble, of the
" Law, and with it to ioyne the reſt that
" followeth: for to the beginning, if
" there be no other let, all that followeth
" is to be applyed; becauſe in the begin-
" ning, or Preface of euery Law is v-
" ſually contayned the finall end, cauſe,
" and reaſon, which chiefly moueth the
" Law-maker, and which is morally a
" ſure meanes to finde out his will and
" meaning, and by which the ambigui-
" tie of any word or ſentence is chiefly
" to be determined. And finally we muſt
" alwaies, if there be no other let, inter-
" prete the words of the Law, when they
" are doubtfull, in the more milde and
" f auourable ſenſe, eſpecially if the
" mat-

" matter be odious, and penall, accor-
" ding to thoſe approued rules of the
" Law, Benignius *leges &c.* Laws are to be interpreted in the more fauourable ſenſe, &c. And it is meete that odious things be reſtrayned, and fauours bee enlarged. *Yea, and if the words of the Law being taken in their proper ſignification ſhould argue any iniuſtice, or like abſurditie to bee in the minde of the Law-maker, they muſt bee drawne to a ſenſe although improper, wherein the Law may bee iuſt and reaſonable, becauſe this is preſumed to bee the will of the Law-maker, as it hath beene declared by many Lawes* in ff. tit. de Legibus. " Nam in ambigua voce, &c. For in a doubtfull word of the Law, *ſaith the Law*, that ſenſe is rather to bee choſen, which is voide of all default, eſpecially ſeeing that the will alſo of the Law-maker may hereby be gathered: *becauſe it ought not to be perſumed, that the Law-maker did intend to command any abſurd or inconuenient thing.* Thus *Suarez.* What blame then doe they deſerue, who

Leg. Benignius *ff. de* legibus. *De* regulis luris *in Sexto.*

Leg. in ambigua *ff.* de legibus.

who ſeeke to wreſt the wordes of this Oath, to a ſenſe which they account to bee moſt falſe and abſurd, with ſo great preiudice to the ſoules and temporall States of Engliſh Catholikes, and with no leſſe irreuerence to his *Maieſtie* and the State, whom next vnder God they are bound to honor and obey in all temporall affaires, whereas they may expound the words, according to their proper and vſuall ſignification, in a true, conuenient, and fauorable ſenſe, as the Reader may ſee beneath?

5. *Thirdly*, to know the end and reaſon of this *Oath* and of the makers thereof, it is to bee *obſerued*, that the *Parliamẽt* in the very beginning of this Act, (to which according to *Suarez*, we muſt, if there be no other let, apply all that followeth) did expreſly ſet downe the cauſe, end, and reaſon, for which this *new Oath* was deuiſed, to wit, *to make a better tryall how His* Maieſties *ſubiects ſtand affected in point of their loyaltie, and due obedience.* For His *Maieſtie* and the *State* perceiuing, that the *Powder-Traytors.*

(who

who were all of them *Romane Catholikes*, did ground, as it doth appeare by their confeſſions, their barbarous and deuilliſh plot chiefly vpon the *Popes* power to take away the Crownes and liues from temporall *Princes* in order to ſpirituall good, and knowing with all, that many other *Roman Catholikes* did from their hearts deteſt, and abhorre ſuch trayterous and diabolicall practiſes, and the wicked grounds thereof, thought it needfull, for the better diſcouering and repreſſing of ſuch bloudie Aſſaſinates, and their diſciples, to deuiſe ſuch an *Oath*, wherein true *temporall Allegiance* due to all *temporall Princes* of what Religion ſoeuer, ſhould bee demanded, and no true *ſpirituall obedience* due to the *Pope*, or other *ſpirituall Paſtours* ſhould be denyed, and yet the wicked principles of that moſt damnable Conſpiracie ſhould bee detected and abiured. And the ſubſtance of this *new Oath* they did take from the *Proteſtation* of thoſe *thirteene* Catholike Prieſts (as the Lord Archbiſhop of Canterburie, Doctor

Bancroft told a deare friend of mine) only vsing another forme of words, and expreſſing ſome things concerning the *Popes* pretended authoritie, which in their *Proteſtation* are not expreſſed, but only ſuppoſed, implyed and virtually contayned, for in effect and ſubſtance they little differ, as partly you haue ſeen aboue, and more fully ſhall perceiue when you haue ſeene all the branches of the *Oath* explayned.

In his *Premonition pag.9.* & in his *Apologie for the Oath. pag.1.* & *pag.9.*

6. And not only the *Parliament* hath ſet downe the end and reaſon of this *new Oath*, but alſo His *Maieſtie* Himſelfe hath often by publike Writings in expreſſe words declared, that He intended to exact *in this Oath* nothing elſe of His Subiects, *then a profeſſion of that temporall Allegiance and ciuill Obedience, which all ſubiects* (what Religion ſoeuer they profeſſe) *by the Law of God and Nature do owe to their lawfull Prince with a promiſe to reſiſt and diſcloſe all contrarie vnciuill violence; and to make a true diſtinction not betwixt* Catholikes and Proteſtants, *but betwixt ciuilly obedient*

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Catholikes; *and ſuch* Catholikes *as are the Diſciples of the Powder-Treaſon.* Whereupon *hee cauſed the lower houſe of Parliament, who at firſt would haue had the Oath to contayne the denyall of the Popes power to excommunicate him, to reforme that clauſe. So carefull was He, that nothing ſhould be contayned in this* Oath *except the profeſſion of naturall Allegiance, and ciuill and temporall obedience.* He ſaid *in this Oath*; for as the *Oath of Supremacie*, ſaith His *Maieſtie, was deuiſed for putting a difference betweene* Papiſts, *and them of our profeſſions ſo was this* Oath *ordayned for making a difference betweene the ciuilly obedient* Papiſts, *and the peruerſe diſciples of the Powder-Treaſon.* And againe, *This Oath*, ſaith His *Maieſtie, was ordayned only for making a true diſtinction betweene* Papiſts *of quiet diſpoſition, and in all other things good ſubiects, and ſuch other* Papiſts *as in their harts maintayned the like violent bloudie maximes that the* Powder-Traytours *did.* The ſame alſo but in more ample wordes affirmeth His *Maieſtie*

in His *Apologie* for the *Oath.*

7. Wherefore we muſt diſtinguiſh betwixt the vnderſtanding, beliefe, or perſwaſion of His *Maieſtie*, and His will, intent, or meaning as Hee is a *Law-maker*. For albeit His *Maieſtie* ſhould beleeue and be fully perſwaded, that the *Pope* is not the Supreme Head of the whole Church, and conſequently that he hath not by the inſtitution of Chriſt any power to *excommunicate* him, yet his will and meaning is not, that His ſubiects ſhal in *this Oath* profeſſe the ſame, or renounce any ſpirituall obedience due to the *Pope*, which euery *Catholike*, according to the grounds of true Catholike Religion, is bound to acknowledge, but only, that they make a profeſſion of that temporall Allegiance, and ciuill obedience, which all ſubiects, of what Religion ſoeuer, do owe to their lawfull Prince. From whence it cleerly followeth, that albeit there were in *this Oath* ſome ambiguous or doubtfull ſentence (as there is not) which might be applyed as well to the denying of that ſpirituall

all obedience, which, according to the grounds of Catholike Religion, is due to the *Pope* and other ſpirituall Paſtours, as to the profeſſing of that temporall Allegiance, which is due to temporall Princes, we ought to interprete the words in that ſenſe, wherein, according to the will, minde, and end of the Law, and declaration of the Law-maker, only temporall Allegiance is demanded, for that *by the end and reaſon of the Law the ambiguitie of the words*, ſaith *Suarez*, *is chiefly to be determined, and it is morally a ſure meanes to finde out the will and intention of the Law-maker, eſpecially that reaſon which is expreſſed in the Law, for then the reaſon of the Law is in ſome ſort a part thereof, becauſe it is contayned and ſuppoſed therein.* Suarez *lib.6.de Legibus cap.1. nu.19.*

8. *Fourthly*, it is to bee *obſerued*, that albeit *Engliſh Catholikes* might *at the firſt*, before they examined particularly the end, reaſon, matter, and contents of this *new Oath*, iuſtly ſuſpect it to be vnlawfull, and to contayne in it more then *temporall Alle-*

giance; and that His *Maieſtie* and the *Parliament* vnder pretence of demanding that *temporall Allegiance*, which by the *Law* of *God* and *Nature* is due to all *temporall Princes*, did intend to haue couertly at leaſtwiſe abiured ſome *ſpirituall obedience*, which by the inſtitution of *Chriſt* is due to *ſpirituall Paſtours*, both for that it is a new, vncouth, and vnwonted *Oath* of *Allegiance*, and expreſly denyeth the *Popes* authoritie, to depoſe wherewith other *Chriſtian Princes*, in the ordinarie *Oaths* of *Allegiance*, which they demand of their ſubiects, doe not in plaine and expreſſe termes intermeddle; and alſo for that it was deuiſed by thoſe, who are oppoſite to the Catholike *Romane* Religion; yet this bare ſuſpicion can bee no ſufficient cauſe, ground, or motiue to condemne it (as likewiſe no man vpon a bare ſuſpicion is to be condemned) but only to haue it examined, and if after due examination it be found faulty, to reiect it, if otherwiſe to approue it. But doubtleſſe whoſoeuer will ſincerely, and with a pure

pure deſire to find out the truth, and to yeeld without all partialitie as wel to *Kings* as to *Popes* that which is their due, examine the occaſion, end, matter, and contents of this *new* and *vnwonted Oath*, will quickly finde, that it is condemned by ſome, vpon a bare and naked ſuſpicion and without due examination; by others, vpon a blind and inconſiderate zeale to the *See Apoſtolike*, not regarding in like manner the dutie which by the *Law of God* they owe to their *temporall Prince*; and by all that thinke it vnlawfull, without ſufficient ground.

9. For the occaſion of this *vnwonted Oath*, was that *vnwonted* barbarous *Powder-plot* of certaine Catholikes, who pretended to iuſtifie their neuer heard of *Barbariſme* vnder the colour of Religion, and the *Popes* authoritie to diſpoſe of the Crownes and liues of *temporall Princes* in order to ſpirituall good; and ſo no maruell, that to preuent the like *vnwonted* crueltie was deuiſed this *vnwonted* remedie. And albeit the inuenters of this *Oath* are oppoſite to the Catho-

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like Romane Religion and are fully perſwaded, that the *Pope* by the Law of God, hath no authoritie ouer this Kingdome, ſo much as in ſpiritualls, yet there meaning was not, as you haue ſeene aboue, to meddle *in this Oath* with that ſpirituall authoritie, which is granted him by all Catholikes, but only to demand a profeſſion of that temporall Allegiance, which all the Subiects of this Land, of what Religion ſoeuer they be, doe owe to their *temporall* Prince, and not to the *Pope*.

10. And therefore, which is carefully to bee *obſerued*, this *Oath* doth not meddle *poſitiuely* with the *Popes* authoritie, for that it doth not belong to *temporall Princes* to declare what authoritie the *Pope* hath, but it medleth *poſitiuely* with the *Kings* temporall *Soueraugntie*, and *negatiuely* with the *Popes* authoritie; and it doth not declare, what authoritie the *Pope* hath, but only what authoritie hee hath not. And what man, I pray you, can bee ſo blinde as not to ſee, that whoſoeuer *expreſly* affirmeth *King*

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Iames to bee his true and rightfull *King* and *Soueraigne* in temporalls, and to haue ouer him and his other Subiects all *Kingly Power*, *Authority*, and *Iuriſdiction*, doth *conſequently* and *vertually* deny the ſame of the *Pope*? Wherefore if wee well examine the matter and contents of this *vnwonted Oath*, wee ſhall find, that His *Maieſtie* and the *State* doe herein deny no other authoritie of the *Pope expreſly* and by name, then which not only in the *Proteſtation* of thoſe *thirteene* Catholike Prieſts, but alſo in all other *vſuall* Oaths of *Allegiance*, which abſolute Princes are wont to demand of their Subiects, is vertually, couertly, and in effect implyed. For whoſoeuer ſincerely and from his heart acknowlegeth, any Prince to be his only rightfull *King* and *Soueraigne* in temporals (which all abſolute *Princes* in their vſuall Oaths of Allegiance demand of their Subiects) hee muſt *vertually* acknowledge, that the *Pope* is not his *Soueraigne Lord* in temporals, and conſequently, that he hath no authoritie ouer his Prince or him

him in temporals, and therefore neither to depoſe his Prince, or todiſpoſe of His temporall Dominions, for that theſe are tēporal things for what end, cauſe, crime, or pretext ſoeuer, either ſpirituall or temporall, they be done.

11. *Fiſtly*, to know vpon what aſſured grounds the *Popes* authoritie to *depoſe Princes*, or to attempt and practiſe their depoſition, is by Catholikes denyed *in this Oath*, it is to be *obſerued*, that as *Leonardus Leſſius*, a famous Ieſuite, noteth very well, *a power which is not altogether certaine but probable, cannot be a* ſufficient *ground* or title, *whereby immediately any man may bee puniſhed or depriued of that right, dominion, or any other thing whichhe actually poſſeſſeth, but ſuch a power or title muſt bee moſt certaine, and without all doubt or controuerſie.* Wherefore neither can the *Pope*, nor any other *Prince* without manifeſt iniuſtice inuade the Kingdome of another *Prince*, make warre againſt him, or ſeeke to depoſe or diſpoſſeſſe him vpon a probable, vncertaine, or controuerſed title. *For certes,*

Leſſius in his *Singleton*, part. 2. nu. 38.

certes, saith the *Authour* of the *Prelate* and the *Prince*, (and who is knowne to bee a famous *Doctor* and *Professor* of Diuinity though masked vnder the name of *I. E.*) *as it is iniustice to put one out of his land or house, who hath probable right and and withall possession, because* potior est conditio possidentis, better is the condition of him that is in possession, *So were it open iniustice in the* Pope *to deprive a* King *of his Crowne and Kingdome, who hath probable right and withall possession.* And this also is the receiued doctrine of all Diuines and Lawyers, and grounded in the light of naturall reason, and declared by the approued rules of the Law, that no man can bee iustly inuaded, or be put out of his possession vpon an vncertaine or controuersed title, because *In causa dubia, siue incerta potior est conditio possidentis, In a doubtfull* or disputable cause *the condition of the possessor is to bee preferred*, and *Cum sunt iura partium obscura fauendum est reo potius quam Actori. When the rights* or titles *of the parties that are in*

cap.11.pag.235.

Victoria *in* Relect. *de Iure belli.nu.29. & seq.* Vasquez.1.2. *disp.64.cap.1.* Gregorius *de* Valentia 2.2. *disp.3.q.16.p.2.* and Pope *Adrian* with many others cited by *Valentia.*

in ſuite are obſcure, or not cleere, *the Defendant is rather to be fauoured then the Plaintiffe.* And this is the *firſt* aſſured ground and principle, for which the doctrine of deposing *Princes* by the Popes *authoritie* may not only be barely and ſimply denyed, as it is in the *ſecond* clauſe of the *Oath* by force only of the words, but alſo bee abhorred, deteſted and abiured as *impious*, *damnable*, moſt cleerly repugnant to the Word of God, and in that ſenſe *heretical*, as it is in the *fourth* clauſe. The *ſecond* manifeſt principle is, that it is a controuerſie among learned Catholikes, and approued by many, and therefore *truely probable*, that the *Pope* hath no authority to depriue *Princes* of their Regall Power and Authoritie.

12. For the better cleering whereof, it is to be obſerued *ſixtly*, that, as *Ioannes Azorius* a famous Ieſuite expreſly affirmeth, *it hath euer beene a great controuerſie betwixt Emperours and Kings on the one ſide, and the Biſhops of Rome on the other, whether in ſome certaine caſes the Pope hath a right*

Azor. tom. 2. lib. 11. c. 5. q. 8.

right and power to deprine Kings of their Kingdome. For ſome Kings haue oftentimes (yea ſince the time of the great *Lateran Councell*) *contended with Popes about this matter, ſaying, that they haue their Kingdome from God, and not from the Pope, and that in thoſe things, which are ciuill and temporall the power of Kings is ſupreme and abſolute, and that herein Kings are not ſubiect to the Pope, although in ſacred, Eccleſiaſticall and ſpirituall things the Pontificall power is ſupreme, and that herein Kings and Princes are ſubiect to Popes, as children to their Fathers, and ſheepe to their Paſtours, &c. And many complayned that* Gregorie *the ſeuenth did excommunicate* Henry *the fourth, and deprine him of the adminiſtration of his Kingdom.* Thus *Azor. And it is a controuerſie among the Schoolemen,* (ſaith *Ioannes Trithemius*) *and as yet it is not decided by the Iudge, whether the Pope hath power to depoſe the Emperour or no. And the Eccleſiaſticall power* (ſaith *Iacobus Almainus* a famous Doctor of Paris, and whom *Azor* relateth among Claſſi-

Trithemius in *Chron. Hirſaug. ad annum* 1106.

Almain. *de dominio natur. cin. & Eccleſ in probat. 2. concluſ.*

Azor. *tom. 1. lib. 2. cap. 14.*

Classicall Doctors) *cannot by the institution of God inflict any ciuill punishment, as are death, exile, priuation of goods*, much lesse of Kingdomes, &c. *Nay nor so much as imprison*, vt plerisq; Doctoribus placet, *as is the opinion of most, or of very many Doctors, but it is extended only to a spirituall punishment, as is Excommunication, and the other punishments, which she vseth, doe proceed from the pure positiue Law*, or as *Gerson* speaketh, *from the grant of Princes. And the libertie of the Church of France*, saith *Petrus Pithæus* (whom *Antonius Possevinus* the Iesuite commendeth for a man *truely learned and a diligent searcher of Antiquitie*) *is grounded in this principle, which France hath euer held for certaine, that the* Pope *hath not power to deprive the French King of his Kingdome, or in any other manner to dispose thereof; And that notwithstanding any whatsoeuer Monitions* or Monitories, *Excommunications, or Interdicts, which by the* Pope *can bee made, yet the subiects are bound to yeeld obedience due to the King for temporals*; neither therein can

Gerson *de potest. Eccles. consider. 4.*

Pithæus *in Cod. libert. Eccles. Gallicanæ* printed at *Paris* by authoritie of the Parliament, in the yeere 1594.

Possevinus *in verbo* Petrus Pithæus.

can they be diſpenced or abſolued by the Pope; Which poſition is in very deed the whole ſubſtance both of our *new Oath*, and alſo of the *late Oath* of France, which the lower houſe of *Parliament* would haue had eſtabliſhed for a *fundamentall law*.

13. And to omit now many other learned Catholikes cited by *Widdrington*, that it is a controuerſie among Catholikes, and approued by many, and therefore truly probable, that the Pope hath no authoritie to depoſe Princes, it is ſo manifeſt, that no learned man, vnleſſe hee will bee ſhamefully impudent, can denie it, and the publike Writings of learned Catholikes on both ſides, the proceedings of the *Parliament* of *Paris* againſt the Bookes of *Cardinall Bellarmine*, of *Schulckenius*, and of *Suarez*, the propounding of the aforenamed *Oath* by the lower houſe of *Parliament*, wherein of two hundred Knights and Burgeſſes there were but *ſix Proteſtants*, beſides the complaint of ſome Doctors of *Paris* to the Colledge of *Sorbon* againſt the *Controuerſia Anglicana* of *Becanus*, and infinite

Widdrington in his Anſwere to *Fitzherb.* part. 1

See beneath in the end of this *Treatiſe*, the Oath of Fráce the condemnation of *Suarez* and *Bell.* Booke, and a decree of the *Parliament* of *Paris* touching the doctrine of the *Popes* power to depoſe.

finite other testimonies of learned men of our owne Nation, not only of those who haue taken the Oath, or thinke it to be lawfull, but also of many others, doe most cleerly conuince the same. In so much that *Cardinall Peron*, compelled by so manifest a truth, doth plainly confesse the same; and thereupon acknowledgeth, that the *Pope* himselfe doth in *France* tolerate those Catholikes, that hold against him in this point, *tolerate*, I say, not as publike Vsurers, Harlots, or other notorious sinners, are in some Countries permitted, but by admitting them to Sacraments, which neither the *Pope*, nor the *Prelates* of *France* could lawfully doe, if for holding that doctrine those *Frenchmen* were to bee condemned of Heresie, Errour, Temeritie, or any other damnable sinne. So that it is most cleere & manifest to any man of iudgment, that it is a great controuersie among learned Catholikes, and that it is approued by many of them, and therefore truly probable, that the *Pope* hath no authoritie to *depose* or *deprive*

Card. Peron. in his speech to the lower house of Parliament.

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Soueraigne Princes. See alſo the *Authour* of the *Poteſtants* Apologie for the *Roman* Church in his *Preface* from Sect. 19. to the end, where you may ſee his diſlike of this doctrine for the *Popes* authoritie to depoſe Princes, and taxeth them, who *ouercharge the ſupreme Paſtour with incompetent attributes of Authoritie in temporals*: and in his owne authentical Manuſcript he more particularly and expreſly ſhewed, that the *Pope* hath no Authority in temporals, *either directly, or indirectly*, which laſt words it pleaſed thoſe who had commiſſion to print his Booke to leaue out, whereof he greatly complained to a friend of mine. And likewiſe for the diſlike, which this learned *Authour* ſhewed in his *Preface*, of this authoritie of the *Pope* to diſpoſe of temporals, it pleaſed the *Authour*, who tranſlated his Booke into Latine, to leaue out the *Preface* altogether, which neuertheleſſe is a chiefe part of his Booke, and it deſerued to bee put in *Latine* as much if not more then any other

part thereof. But the *Authours* of Bookes muſt now adaies, if they looke not themſelues to the tranſlating & publiſhing of them, ſpeak as it pleaſeth the Tranſlators & Cenſors.

15. Neither is it ſufficient for any man, which alſo is to bee *obſerued*, to condemne any doctrine as temerarious or improbable, for that in his iudgement and opinion it is repugnant to *Scriptures*, ancient *Fathers*, *Councels*, *Canons*, practice of the *Church* and *Theological* reaſons, if it bee approued by other learned Catholikes, who haue examined all the arguments on either ſide; for otherwiſe the *Thomiſts* might condemne of temeritie the *Scotiſts*, and the *Scotiſts* the *Thomiſts* in the queſtion of the B. *Virgins* Conception; The *Diuines* of *Rome* might condemne of temeritie the *Diuines* of *Paris*, and the *Diuines* of *Paris* the *Diuines* of *Rome* in the queſtion of the Popes infallibilitie, and ſuperiotitie of the *Pope* and a *Generall* Councell; and the *Ieſuites* might condemne of temeritie the *Dominicans*,

tans, and the *Dominicans* the *Iesuits*, in the question of the efficacie of Grace: for all of them alledge for their opinion, *Scriptures*, *Fathers*, *Councels*, *Canons*, & *Theologicall* reasons, & it is vsuall in most Theological questiõs to bring such arguments on both sides. But true probabilitie and improbabilitie, and whereof not only learned men, but also the vnlearned without any great difficultie or perplexitie of conscience may iudge, is to be taken not from *intrinsecall* grounds, which are vnknowne to vnlearned men, but from *extrinsecall* grounds, to wit, the authoritie of learned men who are knowne to approue that doctrine. And therefore *Aristotle*, whome all Philosophers & Diuines do herein follow, did by *extrinsecall* grounds define *probable*, to be that which *is approued by wise, learned, and skilfull men* in the Art which they professe: as in a matter of Law that is probable, which is approued by learned and skilfull Lawyers; in a matter of Physicke that is probable, which is approoued by

Aristotle *lib.* 1. *Top. cap.* 8.

learned and skilfull Phyſicians, and in a matter of Theologicall learning that is probable, which is approoued by learned and skilfull Catholike Diuines: which definition of *probable* is grounded in the light of naturall reaſon, for that it is not againſt prudence, and therefore no temeritie to giue credit to one in a matter wherein he is skilfull, according to that vulgar maxime, *Vnicuique in ſua arte perito credendum eſt, Credit is to bee giuen to euery man that is skilfull in his Art.*

16. Theſe bee the *two principall grounds*, for which the doctrine of *depoſing* Princes by the *Popes* authoritie may lawfully bee denyed, and alſo abiured in the manner aforeſaid; for if it bee *certaine*, that it is open iniuſtice to diſpoſſeſſe any man vpon a *probable*, *vncertaine*, and *controuerſed* power or title, and it is alſo *certaine*, that it is a *controuerſie*, and not *certaine*, whether the *Pope* hath authoritie to *depoſe Princes* or no; it followeth euidently, that it is as lawfull for any man to ſweare, that the *Pope* hath no authoritie to

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depoſe Princes, as that hee hath no authoritie to commit open iniuſtice. But of this *probabilitie* ſee more beneath in the end of this Treatiſe.

17. The *Seuenth* and *laſt* Obſeruation is, that wee muſt carefully conſider, what the ſwearer is bound to acknowledge and ſweare in euery *branch* of this *Oath* by *force* and *vertue* of the *expreſſe words*, *and according to the plaine and common vnderſtanding of them*, to which by the *ſeuenth branch* hee is expreſly tyed, and what he may lawfully acknowledge and ſweare by *reaſon* of the *matter*; for this diſtinction may no little auaile to the better vnderſtanding of ſome clauſes of this *Oath*, ſeeing that it may often fall out, that in regard of the *matter* one may lawfully ſweare that, which by *force* of the *words* hee is not bound or demanded to ſweare. As for example, if one bee commanded to ſweare, what his iudgement, opinion, perſwaſion or acknowledgement is concerning ſomething, whereof notwithſtanding he is certaine; by *force* of the *wordes* hee is bound only to

ſweare, that hee thinketh, iudgeth, is perſwaded, and acknowledgeth it to bee ſo, yet by *reaſon* of the *matter* which to him is certaine, hee may lawfully ſweare that abſolutely and aſſuredly it is ſo. Likewiſe if one bee commanded to abiure as *falſe*, and *hereticall* a *conditionall diſiunctiue* propoſition, which implyeth a choice to take which part of the *diſiunction* he pleaſe, by *force* of the wordes hee is bound to abiure but *one part* of the *diſiunction* as *hereticall*, becauſe to make ſuch a *diſiunctiue* propoſition to bee *falſe* and *hereticall*, it ſufficeth that *one part* only of the *diſiunction* bee *falſe* and *hereticall*, yet ſomtimes by *vertue* of the *matter*, when both parts of the *diſiunction* are *hereticall*, he may lawfully abiure both as heretical, albeit by *force* of the *wordes* hee bee not bound thereunto. As theſe propoſitions, *Any man may lawfully honour, or blaſpheme God, The Pope by vertue of his Paſtorall power may excommunicate or murther any wicked Chriſtian*, are *falſe* and *hereticall*, and yet *one part* of the *diſiunction* is true, and only

only the other is *false* and *hereticall*: but both parts of this proposition, *any man may lawfully hate or blaspheme God*, are *false* and *hereticall*, & so by *reason* of the *matter* both parts may be abiured as *hereticall*, although by *force* of the forme of words, to abiure the whole proposition as *hereticall*, it sufficeth to abiure only *one part* thereof as *hereticall*: And how this also may bee applyed to the *fourth* branch of the *Oath*, wherein a *conditionall disiunctiue* proposition is contayned, and whether the *doctrine* not only of *murthering Princes, which be excommunicated or deprived* by the *Pope*, but also of *deposing* them, may bee abiured as *hereticall*, you shall see beneath. These *Obseruations* being considered, there will be found little or no difficultie in any part or parcell of the Oath.

The *First* Chapter.

The *First* Branch of the Oath, and an *Explication* thereof.

I A. B. *doe truely and sincerely acknowledge, professe, testifie, and de-*

clare in my conſcience before God and the World, That our Soueraigne Lord King Iames *is lawful & rightful King of this Realme, and of all other His Maieſties Dominions and Countries.*

1. This *Branch* (which is the ground and foundation of the whole Oath, and as it were the roote and fountaine, from whence all the other branches, wherein the *Popes* authoritie is any way denyed, doe ſpring and are deriued) is ſo cleere and manifeſt, that no learned and well affected ſubiect can take any colourable exception againſt the ſame. In ſo much that Fa. *Parſons* * himſelfe feareth not to affirme, *that there is no man, who ſticketh or maketh difficulty to acknowledge our Soueraigne to bee true King and rightfull Lord ouer all his Dominions, for that euery Engliſh Catholike will ſweare and acknowledge moſt willingly all thoſe parts and clauſes of the* Oath, *that doe any way appertayne to the Ciuill and Temporall Obedience due to His* Maieſtie *whom hee acknowledgeth for his true and lawfull King and Soueraigne ouer all His*

* In his Booke entituled, *The Iudgement of a Catholike Engliſh man, &c. part. 7. nu. 22. pag. 13. & 16.*

His Domioions. And *Martinus Becanus* a famous Ieſuite in the firſt Edition of his *Controuerſia Anglicana* writeth thus: *And truly to mè it is certaine, that all the parts and propoſitions of the Oath are not falſe if they bee well declared. For theſe are true:* firſt, *that King* Iames *is lawfull King of England, Scotland and Ireland:* Secondly, *that in the ſame Kingdomes he is the Supreme or Soueraigne Lord in Temporalls.* Becanus *in Controuerſia Anglic. cap. 3. p. 102.*

2. *Firſt* therefore, if wee conſider the end of this Oath (which is only to make profeſſion of our temporall *Allegiance*, and to *make a true diſtinction not* betwixt *Catholikes* and *Proteſtants*, &c. the expreſſe declaration of His *Maieſtie*, and the rules before mentioned in the *ſecond* and *third* Obſeruation, it is euident, that by thoſe wordes [*Soueraigne Lord*] is not to be vnderſtood the *Kings Supremacie* in Spirituall and Eccleſiaſticall, but only in Temporall and Ciuill cauſes.

3. *Secondly*, it is alſo euident, that albeit by *force* of the *expreſſe wordes*, and

and the *plaine and common vnderſtanding of the ſame*, to which the *ſeuenth* branch of this *Oath* tyeth the ſwearer, wee are bound only to acknowledge that *King* Iames *is lawfull and rightfull King of this Realme, and of all other His Maieſties Dominions and Countries*, and not that *Hee is the Soueraigne Lord of the ſame*, both for that thoſe words [*Soueraigne Lord*] are put only *ex parte ſubiecti*, and not *ex parte predicati*, and therefore by *vertue* of the *words* are not affirmed; as likewiſe he that ſtileth the Pope *moſt holy and moſt bleſſed*, doth not affirme him to bee *moſt holy and moſt bleſſed* vnleſſe the words *moſt holy* & *moſt bleſſed* be put *ex parte predicati*; & alſo that if we regard the *force* and *vertue* of thoſe words [*Soueraigne Lord*] they haue not the ſame ſenſe, which the words [*lawfull and rightfull King*] haue, ſeeing that one may be a *lawfull and rightfull King*, and yet not the *Soueraigne Lord* of His Kingdome, as if the *Emperour* ſhould make the great *Duke* of *Toſcan* King of *Hetruria*, he would be *lawfull and right-*

rightfull King of that Countrie, and yet not the *Soueraigne* or *Supreme Lord* of the same, because hee is as a feudarie subiect to the *Emperour*. Neuertheleſſe because the *lawfull and rightfull King* of *England* is also the *Soueraigne Lord* of the same, by *reaſon* and *vertue* of the *matter* we may lawfully, and if it bee demanded at our hands, are bound to acknowledge and sweare, that *King Iames* is not only the *lawfull* and *rightfull King* of England & of all other His *Maieſties* Dominions, but also the *Soueraigne* or *Supreme Lord* of the same. And in this sense, both the XIII. *Prieſts*, and also M. *Greene* vnderstood the word *Soueraigne* in their *Proteſtation* and *Declaration*.

4. Neither is it to the purpose which some obiect, that the *King* of England is the *Popes Vaſſall*, and as a feudarie subiect to him in Temporals, and therefore the *Pope*, and not *King Iames* is the absolute *Soueraigne* and *ſupreme Lord* in Temporals of this Kingdome. For although wee should absurdly admit, that for the title

title and clayme of *Temporall Soueraigntie*, which the *Pope* pretendeth to haue ouer this Kingdome by vertue of some grant of former Kings, may bee brought some probable proofe, as there cannot, seeing that it is euident, that no *King* of England hath authoritie to giue away His *Kingdome*, or make it subiect in Temporals to another *Prince* without the consent of the *Kingdome* it selfe; and that no colour of any probable proofe can bee brought from any *Authenticall* Instrument to shew, that the *Kingdome* of England euer consented to any such grant, yet considering that no *probable title* can bee a sufficient ground to *deprive* any man of that Right, Dominion, or any other thing which he *actually possesseth*, but such a title must bee *most certaine* and out of all controuersie, as I shewed aboue in the *Fift* Obseruation, it is manifest, that, notwithstanding any such *probable* title, euery subiect of this Land may lawfully acknowledge by *Oath*, that *King Iames* is not only the *lawful* and *right-*

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full King of this Realme, and of all other His *Maiesties* Dominions and Countries, but also the *Soueraigne* or *supreme temporall Lord* of the same.

Chap. II.

The *Second* Branch of the Oath, and an *Explication* thereof.

And that the Pope neither of himselfe, nor by any authoritie of the Church, or See of Rome, or by any other meanes which any other hath any Power or Authoritie to depose the King, or to dispose any of his Maiesties Kingdomes, or Dominions, or to authorize any forraigne Prince to inuade or annoy Him or his Countries, or to discharge any of his Subiects of their Allegiance and Obedience to his Maestie, or to giue license or leaue to any of them to beare Armes, rayse Tumults, or to offer any violence or hurt to His Maesties Royal Person, State, or Gouernment, or to any of His Maesties subiects within His Maesties Dominions.

1. This *Branch* supposing the former *Obseruations*, hath in it no difficul-

cultie at all, although wee ſhould admit, that the *immediate* obiect thereof, or which is all one, that, which in this *Branch* by *force of the words* we are bound *immediately* to ſweare, is not only our ſincere acknowledgement, and perſwaſion, but alſo that abſolutely and aſſuredly the *Pope hath not any authoritie to depoſe the King, &c.* For conſidering that the whole tenour of this *Branch* tendeth to practiſe, namely, *to depoſe, to diſpoſe, to inuade, annoy, beare Armes, rayſe Tumults, offer violence or hurt,* and *to diſcharge ſubiects of their Allegiance,* and alſo, that it is a doctrine approoued by many learned Catholikes, and who haue examined all the arguments on both ſides, and conſequently, that it is *truely probable,* that the *Pope* hath no authoritie to depriue Princes, or to diſpoſe of their Temporals, it is as cleere and manifeſt, that any man, whether hee bee the Kings ſubiect or no, what opinion ſoeuer he followeth in *ſpeculation* concerning the *Popes* authoritie to depriue Princes, yet hee may as certainly acknow-

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ledge and ſweare, that the *Pope* hath no authoritie to depoſe the *King*, that is, to practize his depoſition, or any other of thoſe things mentioned in this *Branch*, as it is cleere and manifeſt, that hee may certainly acknowledge and ſweare that the *Pope* hath no authoritie to commit open iniuſtice, and that in a *doubtfull*, vncertaine, and diſputable *caſe*, *the condition of the poſſeſſour is to bee preferred.*

2. Neither doe *temporall Princes*, or other priuate men that haue any thing in their poſſeſſiō greatly regard, what learned men, who by the ſubtiltie of their wits can eaſily finde out ſome probable colour of a broken and pretended title, may *ſpeculatiuely* diſpute in Schooles concerning their titles, ſo that in *practice*, notwithſtanding ſuch *diſputations* and *ſpeculations*, they bee ſecured from being put out of that which they really and *bona fide* doe poſſeſſe. And doubtleſſe moſt miſerable were the ſtate of all men that poſſeſſe any thing of worth, and much more of *Princes*, if vpon a title, which ſome learned men may

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in *speculation* approoue, it were lawfull to inuade their possessions, before a lawfull Iudge, and who is certainly knowne so to bee, hath decided and determined the title or controuersie. To preuent which mischiefe all *Nations* being guided herein by the light of naturall reason haue agreed in this *manifest principle*, that it is open iniustice to put any man out of his possession vpon any title which is not most certaine and free from all controuersie vntill a lawfull and vndoubted Iudge hath decided the matter. (I said *a lawfull and vndoubted Iudge*) for if it be doubtfull, vncertaine, and questionable whether he be a lawfull and competent Iudge to determine that cause, his decision cannot be sufficient to end the controuersie. For which cause the *Pope* is not to bee accounted a lawfull and competent Iudge to decide this question concerning his owne pretended authoritie to depriue Princes, for that it is a controuersie among learned Diuines and approued by very many (as Pope *Adrian*, the *Cardinall* of *Cambray*, the *Car-*

Cardinall Cusanus, the *Cardinall Panormitan*, the *Cardinall* of *Florence* Master to *Panormitan*, *Iohn Patriarch* of *Antioch*, *Abulensis*, *Ioannes* Parisiensis, *Ioannes* Gerson, *Iohn Maior*, *Almaine*, and almost all the Vniuersitie of Paris cited by *Widdrington*) that the *Pope* is not a competent Iudge to decide or define infallibly any doctrinall point (and much lesse in his owne cause) without a true and vndoubted generall Councell, and therfore although he should hereafter, (as yet he hath not) attempt to define and decide this question, his decision could not end the controuersie, nor giue sufficient warrant to any man to practize the depostion of Princes, vpon so doubtfull, vncertaine, and questionable power or title.

Widdring. in the discouerie of D. *Schulckenius* slanders. §. 7.

3. Neuertheless it behoueth *temporall Princes* to be very carefull, that their titles to the Dominions which they lawfuly possesse, be not so much as *speculatiuely*, or only for *Disputation* sake disputed *pro* and *contra*, by learned men, least that some ignorant or turbulent spirits, which

either doe not know, or of set purpose to colour their practices, vnder a pretence of a *probable title*, will not take notice of the manifest difference betwixt *speculation* and *practice*, may take occasion thereby to disturbe the publike peace, and to molest, annoy, or to offer any violence or hurt to their *Royall* Persons, States, or Gouernment. For which cause the *Parliament* of *Paris* hath with great wisdome and reason oftentimes by publike *Edicts* ordained, that the doctrine of deposing their *Kings* should not bee so much as taught and maintayned to bee probable, or *problematike*, that occasion be not giuen to seditious spirits (who know not, or will not take notice of the difference betwixt speculation and practice) to attempt, vnder pretence of a probable title any violence against the Crowns or sacred Persons of their Kings. And the reason is manifest, for that the temporall Common-wealth hath good and full authoritie to forbid the teaching and publishing of any doctrine which is not necessarie, whereby probable danger

See beneath in the end of this *Treatise* some of these Decrees.

danger to the Crownes and liues of temporall Princes, and perturbations in the Common-wealth may arise.

4. *First* therefore, by those words of this Branch [nor *by any other means with any other*] it is euident, that the *Parliament*, which representeth the whole bodie of the Kingdome or Common-wealth did not intend to meddle with the authoritie which the whole Kingdome or Common-wealth may (according to the opinion of some Doctors) pretend to haue in some cases ouer their *soueraign* Prince, as *Lessius* and others (whom the *Authors* of the *Prelate* and the Prince, doth seeme to follow) doe idly obiect. And although the meaning of those words were, to deny, that the whole Kingdome, or Common-wealth hath no authoritie to *depose* their *King*, yet considering that it is also a probable doctrine, & approued by many learned Catholike Diuines, and Lawyers cited by *Widdrington*, that the *Common-wealth* hath no such authority, it is also lawful for any man (of what opinion soeuer hee bee in

Widdr. *in Apolog. nu.* 111. and in his *Answere* to *Fitz-herb. part.* 3. *& cap.* 11. *nu.* 36. 37.

speculation concerning this authoritie of the Cómonweath) to acknowledge and sweare, that the *Common-wealth* hath no more authoritie to depose the *King*, that is, to practize his deposition, then she hath to commit open iniustice; But the true meaning of His *Maiestie* and the *Parliament* is, as the words themselues doe plainely signifie, only to deny the *Popes* authoritie to depose, &c. to wit, that the *Pope neither of himselfe*, that is, neither as a sole and totall cause, nor *by any authoritie, &c.* that is, neither *as an Instrument or Minister of the Church or See of Rome*, nor *by any other meanes with any other*, that is, nor as a principall, or true and proper partiall cause or Agent, *hath any authoritie to depose the King, &c.*

5. Neither by those wordes [*or to authorize any forraigne Prince to invade or annoy Him or His Countries*] did His *Maiestie* and the *Parliament* intend to denie the authoritie which temporall Princes may haue in some cases to make warre against their neighbour Princes, and consequently against

againſt His *Maieſtie*, if he ſhould giue them iuſt cauſe of warre (yet euer obſeruing, that no *probable* power, cauſe, or title can bee a ſufficient ground to puniſh any *Prince*, or to inuade His Countries) but, as the expreſſe words do plainly ſhew, only to deny *the Popes authoritie, to authorize any forraigne Prince to inuade or annoy Him or His Countries:* becauſe all the authoritie which *temporall Princes* haue to make warre, or to inuade the Kingdome of an other Prince for what cauſe, crime, or end ſo euer it bee, is deriued from their temporall Soueraigntie grounded vpon the Law of *Nature*, or *Nations*, & not from the *Popes* authoritie. And likewiſe all the authority, which the temporall Common-wealth may pretend to haue in ſome caſes to riſe vp in Armes againſt their Prince, is not deriued from the *Popes* warrant, licenſe or authoritie, but (if there be any ſuch power) from the Law of Nature. And therefore with great reaſon this *Clauſe* denyeth in the *Pope* all *power and authoritie to authorize any forraigne Prince to inuade or annoy*

His Maieſtie, *or his Countries, or to giue licenſe or leaue to any of his ſubiects to beare Armes, rayſe Tumults, or to offer any violence or hurt to His* Maieſtis *Royall Perſon, State, or Gouernmẽt:* becauſe although they ſhuld haue any ſuch authoritie, leaue, or licence, where with His *Maieſtie* and the *Parliament* would not in this *Oath* intermeddle, they haue it not from the *Pope*, but from the Law of *Nations*, or *Nature*.

6. *Secondly*, in this *Branch* is not denyed the *Popes* authoritie to *command* in temporals in order to ſpirituall good, or to *declare*, that they who haue authoritie to *depoſe*, or to make warre, are bound to vſe their temporall authoritie, and to draw forth the temporall Sword, when the neceſſitie of the Church, and the ſpirituall good of ſoules ſhall require the ſame; for this authoritie to *declare* and *command* doth not exceede the limits of ſpirituall power, as *Widdrington* hath ſhewed at large heretofore: But here is only denyed the *Popes* authoritie to *depoſe* temporall Princes, to *diſpoſe* of their

Widdr. *in* Apol *nu.* 99. and in all his other Bookes very often, but eſpecially in his Anſwere to *Fitz-herb.*

their temporals, *to vse* or *draw* forth the temporall Sword, or to authorize temporall *Princes* or subiects to *vse* or *draw* forth the same: for whosoeuer giueth authoritie to another man to vse the temporall Sword, hath authoritie to vse it himselfe, although sometimes for want of strength or some other necessarie Instrument hee cannot vse it himselfe, yet still he hath authoritie to vse it.

7. And although a *Commander* (which I wish the *Reader* to obserue for the *Author* of the *Prelate* and the *Prince*) is commonly said to doe that thing which is done by his Commandement, (and so hee that counsaileth, consenteth, or any way concurreth although *per accidens*, and not by any proper vertue, or influxe of his owne, is said to doe that thing) as hee that applyeth fire to straw, or commmandeth, counsaileth, yea, or doth not hinder the applying thereof, when hee is bound to hinder it, is said to burne the straw, although hee bee no true and proper efficient cause of the burning thereof, but only

ly a cauſe *per accidens*) yet a *Commander* is not ſaid to doe that which hee commandeth, as a true and proper cauſe, or as hauing authoritie to doe that thing which hee commandeth, (whereof this *Branch* of the Oath doth only ſpeake) but only as a *cauſe per accidens*, (which according to the doctrine of all Philoſophers, is no true and proper efficient cauſe) vnleſſe by his proper power, vertue, influxe or authoritie hee concurre to the doing thereof, and that the perſon commanded hath his power, vertue, or authoritie to doe that thing deriued from the *Commander*, or depending on him.

8. For which cauſe a *Painter*, who commandeth his Seruant to make a Picture, and giueth him rules and directions how to mingle his Colours, and afterwards to apply them, which without the directions of his *Maſter*, hee himſelfe could not doe, is the *principall* cauſe and agent of making that Picture, and the Seruant is only his *Inſtrument* or *Miniſter*, for that all the Arte hee hath to make

make that picture is deriued from the commaundement and directions of the Painter, and depending on him, and yet a *King*, who hath no skill to paint, and commaundeth the Painter to make a picture, is no *true* and *proper efficient* cause of making that picture, but onely a *cause per accidens*, by morally applying the Painter that hath skill to vse the same. So likewise a *Prince*, who commandeth his Officers to condemne and put to death an egregious malefactour, is the *principall* cause of his death, and the Officers are onely his *Instruments*, *Ministers*, and *Executioners*, for that all the authoritie, which they haue to condemne and kill that malefactour, is deriued from the Prince, and depending on him, because onely the *Prince* doth *authorize*, or giue them *authoritie* to pronounce and execute that sentence: And yet the *Pope* commaunding a *Prince* to vse his temporall sword, power, or authoritie when the necessitie of the Church shall require the same, as to make warre, inuade any Coun-

Countrey, or to put any egregious malefactor to death, is onely a *cauſe per accidens*, of that warre, &c. by applying morally, to wit, by his commandement, the perſon, who hath authoritie to make warre, &c. to the making thereof. But the *Pope* is no true and proper cauſe of that warre, &c. neither can hee bee ſaid to make that warre, as *having authoritie* to make it, or as *authorizing*, or giuing authority, leaue, or licence, (whereof onely this *branch* maketh mention) to the *Prince* to make that warre, &c. Neyther is the *Prince* in making that warre, &c. the *Popes Inſtrument*, *Miniſter*, or *Executioner*, (as the *Author* of the *Prelate* and the the *Prince* abſurdly affirmeth) for that he hath not his authoritie to make warre, &c. deriued from the *Popes* commandement, or depending on it, whereas (according to the doctrine of all Philoſophers) it is neceſſary to an *Inſtrument*, that it haue all it vertue to worke deriued from the *principall* Agent, or depending on it; but all the authoritie, which *temporal Princes*, or *Common-wealths* haue

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in temporall affaires, is deriued from the law of *Nations*, or *Nature*, and not from the *Popes* authoritie or commandement.

9. By which it is apparant, how grosly the said *Author* of the *Prelate* and the *Prince*, in excepting against this *Branch*, was mistaken, for not considering the difference betweene a *Commander*, who hath onely authoritie to *command*, but not to *execute*, or doe that which hee commandeth to be done, and a *Commander*, who hath authoritie both to commaund, and also to execute or doe that which he commandeth to be done, although perchance he cannot effect it for want of strength or effectuall meanes, but not for want of authoritie, as euerie lawfull *Prince* hath sufficient authoritie to subdue his Rebels, and yet hee cannot alwaies effect it, not for want of authority, but for want of strength, force, or effectuall meanes, because his Rebels are more strong and potent then he is.

CHAP.

Chap. III.

The *Third* Branch of the Oath, and an *Explication* thereof.

Also I doe sweare from my heart, that notwithstanding any Declaration, or sentence of Excommunication, or Deprivation made or granted, or to be made or granted by the Pope *or his Successours, or by any Authoritie derived, or pretended to be derived from him, or his Sea against the said King, his Heires or Successours, or any absolution of the said subiects from their obedience: I will beare faith and true allegiance to his* Maiestie, *his Heires and Successours, and him and them will defend to the vttermost of my power, against all cõspiracies & attempts whatsoeuer, which shall be made against his or their Persons, their Crowne and dignitie, by reason or colour of any such sentence or declaration or otherwise, and will doe my best endeuour to disclose and make knowne vnto his* Maiestie, *his Heires & Successors, all Treasons, & Traiterous Conspiracies which I shall know or heare of to be against him or any of them.*

1. This

1. This *Branch* of the *Oath* is somewhat clearer then the former, becauſe it doth not expreſſely and in plaine tearmes deny the *Popes* Authoritie to *depriue* or *depoſe* Princes, but it onely containeth in expreſſe words a promiſe, which the Subiect confirmeth by Oath, that if in caſe the *Pope* hath denounced, or hereafter ſhould denounce any ſentence of *Excommunication* or *Deprination* againſt the *King*, his Heires, or Succeſſours, or any *abſolution* of the ſaid Subiects from their obedience, yet *he wil beare faith and true allegiance to his Maieſtie, his Heires and Succeſſours, and him and them will defend, &c.* Neuertheleſſe the lawfulneſſe or iuſtice of this *promiſſorie* Oath ſuppoſeth for the principall ground thereof, the veritie of the former *aſſertorie* Clauſe, and therefore it implieth, and vertually containeth a deniall of the *Popes* authoritie to *depriue* or *depoſe* Princes, and to *abſolue* Subiects frō their temporall allegiance: for that whoſoeuer doth ſweare, that notwithſtanding any ſentence of depriuation, or

or absolution of subiects from their obedience made, or hereafter to be made by the *Pope* or his Successours against his *Maiestie*, his Heires or Successours, to make this promise iust and lawfull, he must consequently deny, that the Pope *hath* Authoritie to depriue Princes, or to absolue Subiects from their obedience, as *Suarez* examining this *Branch* of the Oath doth most clearely demonstrate. For if the sentence of depriuation to be made at any time hereafter against the *King*, his Heires or Successours, for any manifest cause or crime whatsoeuer, may be iust, lawfull, and effectuall, it is as vnlawfull to take this *clause*, as it is vnlawfull for one to sweare, that he will not obey the *Popes* sentence and commandement, which hereafter he shall impose, be it neuer so inst, and without all errour or default: But if this sentence of *depriuation* at any time hereafter to be made can neuer be iust, it must needs follow, that the *Pope* hath no more authoritie to *depriue* or *depose* the *King*, his Heires or Successours, then

Suarez in Defens. lib. 6. cap. 3. See Widdring. *against* Fitzherbert *part. 1. cap. 5.*

then he hath authoritie to commit open iniuſtice.

2. Wherefore thoſe *thirteene* Reuerend Prieſts, who ſolemnly proteſted to Queene *Elizabeth*, that *notwithſtanding any authoritie* (which words are farre more generall, then notwithſtanding any ſentence of depriuation) or *any Excommunication either denounced, or to be denounced againſt her* Maieſtie &c. *they would yeeld to her* Maieſtie *all obedience in temporall cauſes*, would then haue made no difficultie to take this *Branch* of the Oath, and conſequently to free themſelues from periurie, they muſt alſo deny the *Popes* Authoritie to depriue and depoſe Princes, for that the iuſtice of this *Branch* implieth & ſuppoſeth as a chiefe ground thereof a deniall of the *Popes* authoritie to *deprive* and *depoſe*, as *Suarez* doth moſt plainely conuince.

3. *Firſt* therefore in this *Clauſe* is not denied the *Popes* power to *Excommunicate*, but onely that *Excommunication* being a ſpirituall cenſure doth not worke this temporall effect,

as

as to make *Kings* no *Kings*, or to depriue them of their *Royall* right and Soueraigntie, and consequently not to *absolue* Subiects from their naturall allegiance, which, according to the doctrine of Card. *Bellarmine* and *Suarez* they doe by the *law* of *God* and Nature owe to their lawfull Prince. And thus much his *Maiestie* hath also in expresse words declared. *The truth is*, saith his *Maiestie*, *that the Lower house of Parliament at the first framing of this Oath, made it to containe, that the* Pope *had no power to Excommunicate mee, which I forced them to reforme, onely making it to conclude, that no Excommunication of the* Popes *can warrant my Subiects to practise against my Person or State, denying the deposition of* Kings *to be in the* Popes *lawfull power, as indeede I take any such temporall violence to be farre without the limits of such a spirituall censure as Excommunication is*, And also that depriuation or deposition from temporall kingdomes is not an effect of Excommunicatiō, *Widdrington* hath shewed at large heretofore, and

Bell. *in Tract. contra Barclaium cap.* 21. *pag.* 202. Suarez *in Defens. &c. lib.* 6. *cap.* 3. *nu.* 6. The Kings *Maiestie in his* Premonition *&c. pag.* 9.

and *Becanus* and *Suarez* doe also in expresse words affirme the same. *Frõ hence it is very apparãt* saith *Becanus, that Heretikes by this precisely that they are excommunicated, are not depriued of their Dominion or Iurisdiction either ouer their subiects, or ouer their temporall goods, but this depriuation is a destinct punishment, and inflicted by a destinct law.* And againe, *It is one thing* saith he, *to excommunicate a King, and an other thing to depose him, or depriue him of his Kingdome, neither is the one necessarily connected with the other. Many Kings and Emperours haue beene excommunicated, and yet not therefore deposed, and contrariwise many deposed, and yet not therefore excommunicated.* See also *Suarez* cited by *Widdrington* in his *Apologie*, and in his answere to *Suarez* and *Fitzherbert*.

Widdrington *in his* Apologie *nu.*346. *in his* Answer *to Suarez part.*2. *sect.*4. *and in his* Answer *to* Fitzher. *part.*3. *cap.*1.

Becanus *in ques.de fide hæreticis seruanda ca.*8. *nu.*16. *and in his* Controuersia Anglic. *cap.*3. *qu.*2.

Suarez *tom.*5. *disp.*15. *sect.*6. *nu.*3.

4. And therefore in very truth I am sorie, and doe in some sort pittie the *Author* of the *Prelate* and the *Prince* (a man whom heretofore I haue much loued, respected, and honoured) that he should so grosly forget himselfe, as

to bewray so palpably such great want of learning, iudgement, and sinceritie, in affirming so boldly, and without any proofe at all, *that depri-*
Pag. 198. *nation of Regall authoritie is an effect of excommunicating Kings and Princes, and so in denying the effect, the cause is denyed. For as,* saith he, *if you should say,* A man is not *risibilis,* that is, *hath not power to laugh, you should deny him to be a man, so in denying that the* Pope *can deprive* Princes *of their Kingdomes, you deny in effect that he can excommunicate.* Whereas this *Authour* knew right well, that *Widdrington* in that very *Chapter* which hee citeth, did, by the expresse doctrine of *Suarez* and *Becanus*, but now related, cleerely proove against *Lessius*, (who vrged euen as nakedly and without any proofe at all the same obiection) that *deprivation* is no *effect* at all of *Excommunication*, much lesse *proprium quarto modo,* as *risibilis, a power to laugh is to a man*, as this *Authour* most vnlearnedly affirmeth. And yet *forsooth* he taketh vpon him, as it may appeare by the very *Title* and *Inscription*

tion of his *Treatise*, to giue a *full Instruction and appeasement to the consciences of English Catholikes concerning the Oath of Allegiance*. But this shall suffice at this present for an imperfect portraying of this *Authours* want of iudgement and sinceritie in his *Explication* of the Oath of *Allegiance*, (especially if wee consider his person, the Office hee now beareth, and the doctrine which in former times hee held) for that (as I am told) his perfect Picture both in this and other points is alreadie drawne, and will be set forth in liuely colours ere it be long.

5. *Secondly*, it is euident by the former Obseruations, that those wordes [*Heires and Successours*] doe not signifie *Vsurpers*, as some would wrest them contrarie to the meaning of the Law, the plaine and common signification of the wordes, and the rules before alleaged: For albeit this word [*Successour*] may in generall bee taken for euery Successour, who either vnlawfully or vnlawfull doth succeed, yet particularly and properly

ly when it is placed in a *Law*, it is vſually taken only for a *lawfull Succeſſour:* wherefore according to that rule of the *Ciuill Law* before mentioned in the ſecond *Obſeruation*, that *the doubtfull words of euery Law muſt be taken in that ſenſe, which is without default*, this word [*Succeſſours*] muſt in this *Oath* eſtabliſhed by His *Maieſties* Law bee limited only to *lawfull Succeſſours*, and who according to the Lawes of the Kingdome doe ſucceed. For as according to Law, *Id tantum poſſumus quod iure poſſumus*: *We can only doe that, which wee can doe lawfully or by Law*, ſo according to Law, he only is accounted to *ſucceed*, who by lawfull right doth *ſucced*. Whereupon the *Ciuill Lawyers* doe define *Inheritance*, to *be a ſucceeding to all the right of one deceaſed*, and *an Heire*, *who ſucceedeth him in all his right*, without adding *lawfull* ſucceeding, or *lawfully* ſucceedeth, for that it is alwayes ſo to bee vnderſtood, and therefore being neceſſarily ſuppoſed, it is not expreſſed, but altogether omitted in the definitions

tions of an *Heire* and of *Inheritance*. And whenſoeuer in the *Common* or *Statute* Lawes of this Kingdome any mention is made of the *King* and his *Succeſſours*, this word [*lawfull*] is but few times added, although alwayes it ought to be vnderſtood.

6, *Thirdly*, it is alſo euident by the former Obſeruations, that by thoſe words [*Treaſons and Trayterous Conſpiracies*] are only vnderſtood true, proper, and naturall Treaſons, and which among all Nations, what Religion ſoeuer they profeſſe, are accounted *Treaſons*, and repugnant to naturall Alleagiance and Temporall and Ciuill Obedience, and not ſuch Treaſons, which in regard chiefly of Religion are by the poſitiue Lawes of ſome Nations made *Treaſons*, and accounted *Treaſons* onely for that they are puniſhed with the penalties which are due to proper and naturall Treaſons, as are the comming in of Engliſh Prieſts into this Kingdome made by the *Popes* authoritie, and all reconcilements to the *Pope*, though in matters that concerne Religion. For as His

Maieſtie and the *Parliament* haue declared, the only intent of this *Oath* is *to contayn the profeſſion of naturall Allegiance, and ſuch ciuill and temporall dutie and obedience, which euery true and well-affected ſubiect ought by the Law of God to beare to their lawfull Prince and Soueraigne with a promiſe to reſiſt and diſcloſe all contrarie vnciuill violence.* For to preuent ſuch hainous attempts and miſchiefes, which in time to come might be plotted by the example of the *Powder-Traytours*, who vnder colour of Religion attempted that barbarous and deuilliſh Conſpiracie, *this forme of Oath was framed*, ſaith His *Maieſtie*, to bee taken *by all my ſubiects, whereby they ſhould make cleere profeſſion of their reſolution, faithfully to perſiſt in obedience vnto me, according to their naturall Allegiance; to the end that I might hereby make a ſeparation, not only betweene all my good ſubiects in generall, and vnfaithfull Traytours that intended to draw themſelues from my Obedience; but ſpecially to make a ſeparation betweene ſo many of my ſubiects, who*

In his Apologie, *pag. 2. nu. 2.*

who although they were otherwiſe Po-
piſhly affected, yet retayned in their
hearts the print of their naturall dutie
to their Soueraigne; and thoſe who be-
ing carryed away with the like fanati-
call zeale, that the Powder-Traytours
were, could not contayne themſelues
within the bounds of their naturall Al-
legiance, but thought diuerſitie of Re-
ligion a ſafe pretext for all kinde of
Treaſons and Rebellions againſt their
Soueraigne. Wherby it is apparant,
that only ſuch *Treaſons* and *Trayte-*
rous Conſpiracies are here vnderſtood,
which are repugnant and contrarie to
naturall Allegiance, and not ſuch *Trea-*
ſons which are not *naturall Treaſons*,
but only in regard of Religion are
by poſitiue Lawes made *Treaſons*,
and to be puniſhed with the ordinary
penalties of true proper and *naturall*
Treaſon. And in this ſenſe alſo thoſe
thirteene Reuerend Prieſts vnderſtood
the words *Conſpiracies*, *Attempts*, and
Practiſes in their *Proteſtation.*

Chap. IIII.

The *Fourth* Branch of the Oath, and an *Explication* thereof.

" *And I doe further sweare, That*
" *I doe from my heart abhorre,*
" *detest, and abiure as impious and he-*
" *reticall this damnable doctrine, and*
" *position, That Princes which bee ex-*
" *communicated or deprived by the*
" Pope, *may be deposed or murthered*
" *by their subiects, or any other what-*
" *soeuer.*

1. Although this *Branch* may at the first sight seeme somewhat suspicious in regard of that word *heretical*, yet if it be duly examined, according to the former Obseruations, it will easily appeare, that it contayneth no such difficultie, as some impugners of the Oath would seeme to imagine, but that if it bee lawfull to *abhorre, detest*, and *abiure* the aforesaid position, as *cleerely false and iniurious* to Princes, which the former Discourse doth plainly conuince, it is also

alſo lawfull to abiure it as *hereticall*: or, which is all one, as contayning in it a falſhood, which is repugnant not onely to naturall reaſon, but alſo to the Word of God reuealed in the holy Scriptures: For, as euery Doctrine and poſition, which is agreeable to that truth, which God hath reuealed, is to be accounted *of faith*: ſo contrariwiſe, euerie Doctrine and poſition, which contayneth in it a falſhood, which is repugnant to the Word of God reuealed in the holy Scriptures, is to be accounted *hereticall*, and repugnant to *faith*. And in this ſence, the word *hereticall* is not onely by all *Proteſtants*, but alſo by many learned Catholique Diuines commonly and vſually taken, as *Widdrington* hath ſhewed at large in his anſwer to *Fitzherbert*.

Widdrington in his *Adioinder* to the *firſt* and *ſecond* part.

5. Neyther is it neceſſarie, that we muſt take the word *hereticall*, as likewiſe no other ambiguous word contayned in this Oath, in that ſtrict and rigorous ſenſe, wherein ſome Catholickes take the word *hereticall*, to wit, for that doctrine which not onely con-

contayneth a falſhood repugnant to the holy Scriptures, but alſo which by the *Church* or a *generall Councell*, which repreſenteth the *Church*, is expreſly and particularly declared and defined ſo to be, but it ſufficeth that we take the word, *hereticall*, in a proper and vſuall ſignification, and wherin Catholickes doe commonly take it, eſpecially when this common ſenſe is agreeable to the meaning and vnderſtanding of the Law-maker: for that, according to the approued rule before ſet downe in the *ſecond* obſeruation, in a penall and odious matter, when the wordes of any Law are doubtfull or ambiguous, and there be many common ſenſes of the ſame word or ſentence, we ought to take them in that common ſenſe, which is more *fauourable*, eſpecially when it is not againſt the meaning of the Law-maker.

6. Neither alſo is it neceſſarie to make any Doctrine or Poſition to be *hereticall*, that the propoſition with all particular circumſtances therein expreſſed, muſt bee contained in the holy

holy Scriptures, but it ſufficeth, that it contain a *particular* falſhood, which onely in the *generall* is expreſſed in the holy Scriptures, and that no *particular* word, or circumſtance bee added in the *particular* propoſition, which doth make it not to be contayned in the *generall* falſhood, as a *particular* in the *vniuerſall*. For which cauſe, theſe propoſitions, *It is lawfull for one to take from his neighbour his purſe, or to murther him with a piſtoll, if hee liue a wanton or wicked life*, are *heretical*, and repugnant to thoſe words of holy Scripture, *Thou ſhalt not ſteale*, *Thou ſhalt not kill*, although thoſe *particularities* of being a *wanton* or *wicked* man, or of killing him with a *piſtoll*, are not expreſly contained in the holy Scriptures, becauſe they doe not giue any warrant to ſtealing or killing, or make that *particular* ſtealing or killing not be included in theſe *generall* words, *Thou ſhalt not ſteale*, *Thou ſhalt not kill*. Exod. 20.

7. *Firſt* therefore, although by *reaſon* of the *matter* of this *Branch* we may truely abiure as *heretical*, not onely the

the Doctrine of *murthering*, but alſo of *depoſing Princes, which are excommunicated or deprived by the Pope*, yet if we onely regard the *force* and *vertue* of the expreſſe words, according to the plaine and common ſenſe and vnderſtanding of them, to which the *ſeuenth clauſe* of the Oath tyeth the ſwearer, we are not bound to abiure both Doctrines as *hereticall*, but it ſufficeth, by *vertue* of the *words*, to abiure as *hereticall*, onely the Doctrine of *murthering* ſuch Princes, as *Widdrington* hath ſhewed in his *Theologicall Diſputation*, and proued more at large in his *Anſwer* to *Fitzherbert*, in the end of the *ſecond part*. And the reaſon is, for that to make *hereticall* a *conditionall diſiunctiue* propoſition, which implyeth a free choyce to take eyther part of the *diſiunction* if wee pleaſe, it ſufficeth that one part of the diſiunction be *hereticall*, although the other part be not hereticall, but perchance moſt true and of faith, which contrariwiſe happeneth in an *abſolute* diſiunctiue propoſition, which ſuppoſeth and implyeth no ſuch condition

or

n his Theo-
g. *Diſp.* cap.
Sec. 2.

or choyce. As for example, This propoſition, *It is lawfull for any man to honour or blaſpheme God, if hee will*, or, which is all one in ſence with this, *Any man may lawfully honour or blaſpheme God*, is falſe and *hereticall*, and may be abiured as *hereticall*, although one part only thereof be *hereticall*, and the other part of faith: For ſuch *conditional diſiunctiue* propoſitions, for as much as concerneth the truth or falſhood of them, doe not follow the nature of an *abſolute* and ordinarie *diſiunctiue* propoſition, but of a *copulatiue* propoſition, to the veritie whereof is required, that both parts muſt be true, and to make it falſe and *hereticall*, it ſufficeth that onely one part thereof bee falſe and *hereticall*, whereas contrariwiſe to the veritie of an *abſolute diſiunctiue* propoſition, which implyeth no ſuch choyce or condition, it ſufficeth that one part thereof be true, and to make it falſe and *hereticall*, both parts thereof muſt needes be falſe and *hereticall*: for which cauſe this propoſition, *God is honoured or blaſphemed by good and vertuous men*, is true, becauſe one part of

of the *disiunction* is true, and this propoſition, *God is honoured and blaſphemed by good and vertuous men*, is falſe, becauſe both parts of the propoſition are not falſe, but one of them is true.

8. That this propoſition, *Subiects may lawfully depoſe, or murther their Prince, who is excommunicated or depriued by the Pope*, or which in ſence is all one with the Doctrine and poſition contayned in this *Branch* of the Oath (ſeeing that onely the Verbe *paſſiue* is changed into the *actiue*) is ſuch a *conditionall diſiunctiue* propoſition, as implyeth a free choyce and condition to take eyther part of the *diſiunction* if wee pleaſe, as likewiſe all ſuch *diſiunctiue* propoſitions, wherein the Coniunction [*or*] followeth the Verbe [*may*] doe imply and ſuppoſe, according to the vſuall ſignification of our Engliſh phraſe, a free choyſe and condition to take eyther part of the *diſiunction* if we pleaſe, *Widdrington* proueth by many examples of propoſitions, neyther can there be alledged ſcarce any one propoſition, wherein

wherein it is not commonly ſo taken.

As for example, *You may ſtay here or depart: You may eat or drinke: you may buy in ſuch a place Wine or Oyle: You may haue in the ſhambles Beefe or Mutton: You may goe to ſuch a place by land or by water: You may buy that land in fee-farme or by leaſe. The King by vertue of an Act of Parliament, may take of conuicted Popiſh Recuſants, twentie pounds for euerie moneth, or the third part of all their lands. The Sherife may preſently hang a theefe condemned to die, or delay his death for ſome ſmall time. If any perſon hold any lands of any other Lord, then of the King, by Knights ſeruice, he may giue, diſpoſe, or aſſure by his laſt Will and Teſtament, two parts of the ſaid lands holden by Knights ſeruice, or of as much thereof as ſhall amount to the full yearely value of two parts. If a man by his laſt Will and Teſtament ordayne, that his Executors may beſtow twentie pounds vpon the poore, or repayre ſuch a Bridge*, it is in the free power of the Executor to chuſe whether of thoſe two he pleaſe. Finally, *in clauſes of reuocation, where the words are, That one*

may

may by any deed in his life time, or by his last Will and Testament, reuoke the sayd vses, and limit new, it is in his free power and choyce, to doe it by the one or by the other, as he shall thinke good. In these, & infinite such like examples, which may bee brought, the Verbe [*may*] implyeth a free power to chuse eyther part of the *disiunction* one pleaseth; neyther can there scarcely bee alledged any one example, wherein the Coniunction disiunctiue [*or*] immediatly following the Verbe [*may*] is not commonly so taken: and especially when the latter part of the *disiunction*, which is affirmed, is no way lesse certayne, but rather more certaine then the former part: which note, I wish the *Reader* to obserue chiefly for the Doctrine of this present clause, which doth not affirme, that *Princes* beeing excommunicated or depriued by the Pope, may be *murthered* or *deposed* by their subiects, for then some might imagine the sense to be that such *Princes* may be *murthered* or *at least wise deposed*, because the deposing of such *Princes*, is lesser

then

then the *murthering* of the, but seeing that it is affirmed, that such *Princes* may be *deposed* or *murthered*, it is manifest, that the Coniunction [*or*] can not signifie *at least wise*, because if the Doctrine of *deposing* such Princes may be abiured as *hereticall*, much more and not much lesse the Doctrine of *murthering* them may bee abiured as *hereticall*.

9. And by this it is apparant, that to abiure as *hereticall* this Doctrine, & *conditionall* disiunctiue position, *That Princes which be excommunicated or deprived by the Pope, may be deposed or murthered by their subiects, or any other whatsoeuer*; it sufficeth by *force* and *vertue* of the *words*, onely to abiure as *hereticall* the Doctrine of *murthering* such Princes, although *by reason* of the *matter*, it be lawfull (as you shal see forthwith) to abiure as *hereticall* not onely the Doctrine of *murthering*, but also of *deposing* such Princes.

10. That the Doctrine of *murthering* such Princes is *hereticall*, or, which is all one, containeth in it a *manifest falshood*, which is repugnant to the

Word of *God*, it is euident by those two places of holy *Scripture* cited by *Widdrington*, *Thou shalt not kill*, Exod. 20. which words are generall and common to euerie vniust *killing*, and *Kill him not, for who shall extend his hand vpon the Lords annoynted, and bee innocent*, 1. Reg. 26. Which wordes are proper and peculiar to the *murthering* of Princes. Neyther doth the *excommunicating*, or *depriuing* of Princes by the *Pope*, which are added in this Doctrine and position, giue sufficient warrant to *murther* such Princes, although wee should admit that the *Pope* hath authoritie to depriue them; for that *Excommunication* depriueth onely of spirituall graces, and *deprivation* onely of temporall Kingdomes, but neyther of them of corporall life, as *Suarez* also confesseth. Yea we may truely abiure as *manifestly* false, damnable, and repugnant to those words of holy Scriptures, *Thou shalt not kill*, and consequently as *heretical*, this Doctrine and position, *That it is lawfull for every man to kill a malefactour, who is condemned by the Iudge*

Suarez *in defens. fid. lib. 6. cap. 4. nu. 10. & seq.*

to

to dye, for that the ſentence of death denounced againſt him by the Iudge doth not giue leaue, licence, warrant, and commiſſion to euerie man to put him to death, but onely to the *Sheriff*, or others, who are appoynted *Executioners* of iuſtice in that caſe.

11. That the Doctrine alſo of *depoſing* ſuch Princes is *hereticall*, and contayneth a *manifeſt* falſhood repugnant to the Word of God, it is euident; for that to take away by force and violence the Crowne and Kingdome of a *Prince* who is in poſſeſſion thereof, only vpon a probable or controuerſed title, is open iniuſtice, as you haue ſeene before in the *fift Obſeruation*; and conſequently *Theft* and *Rapine* in a moſt high degree, and therefore repugnant both to that precept of the Decalogue, *Thou ſhalt not ſteale*, and to the *third* Commaundement, *Honour thy Father and Mother*, wherein the honour and reuerence, which is due from ſubiects to their *Prince*, who is the *Father* of the Countrie, is according to the doctrine of all

Diuines included, and it is also specially against that commaundement of our Sauiour, *Render to Cæsar the things that are Cæsars*, which precept includeth also the *negatiue*, not to take away from *Cæsar* that which is his due, as contrariwise that precept, *Thou shalt not steale*, includeth also the *affirmatiue*, to render and restore backe what hath beene wrongfully taken away. Wherefore there is no more scruple to be made, to abiure the aforesaid Doctrine and position as impious, damnable, and *heretical*, then to abiure it as *manifestly false* and *iniurious* to Princes, seeing that the *manifest falshood* and *iniustice* contayned therein, is expresly repugnant to the word and commaundement of God reuealed to vs in the holy Scriptures: and it is also grounded vpon these two manifest principles, and which without manifest impudency cannot be denyed by any man; *The one*, that it is a contouersie among Catholicks, whether the *Pope* hath authoritie to deprine *Princes*, & the *other*, that it is open iniustice to depose, or to thrust

Matth. 22.

one

one out of his poſſeſſion vpon a title, which is not moſt certaine but in controuerſie.

12. *Laſtly*, I wiſh the *Reader* to conſider the *third* and laſt expoſition of this *Branch*, which *Widdrington* brought in his *Theologicall Diſputation*, and defendeth at large in his *Anſwere* to *Fitz-herberts* Reply againſt the ſame, to wit, that albeit in *regard* of the *matter*, wee may lawfully abiure *for heretical*, the doctrine not only of *murthering*, but alſo of *depoſing* Princes, *which bee excommunicated or depriued by the Pope*, yet, by *force* and *vertue* of the *wordes*, wee are not bound to abiure either the doctrine of *depoſing*, or alſo of *murthering* ſuch Princes, *for heretical*, but only *as heretical*, that is, for a very falſe and iniurious doctrine in the higheſt degree almoſt of falſhood and iniuſtice, and which therefore in regard of the abhorring, deteſting, and abiuring thereof, hath ſome reſemblance and ſimilitude with *heretical* doctrine, although we take the word *heretical* in the moſt

ſtrict and rigorous ſenſe that may be. And the reaſon is, for that the Aduerbe [*as*] being an Aduerbe of ſimilitude, doth properly and vſually by *force* and *vertue* of the *word* denote only a ſimilitude, and if at any time it ſignifie an identitie, equalitie, or realtie, as (ſometimes it doth, but moſt commonly it doth not) it is not by force of the *word*, but only in regard of the matter, to which it is applyed. And this *Explication* will ſerue very well to conuince the wilfulneſſe of him, who out of his hatred to this Oath, will contrarie to all reaſon, and the rules before aſſigned out of *Suarez*, needes haue the word *hereticall* to bee taken only for that, which the definition of the Church maketh *hereticall*, and which before was not *hereticall*, although it was moſt euidently falſe, and repugnant to the holy Scriptures, and the word *impious* only for that, which is againſt pietie, which is due to God or carnall Parents, albeit otherwiſe it bee neuer ſo wicked and iniurious to *Princes* who are the Fathers of the Coun-

Countrie. For we may verie well answere him, that the Aduerbe *as* being an Aduerbe of similitude, and by force of the *word*, and, according to the plaine and common sense and vnderstanding of the same, signifying only a similitude, & not a reality, but in regard of the matter to which it is referred, doth in this *Branch* denote only a *similitude* of that strict and rigorous *Heresie* and *Impietie*, because the matter, to which it is applyed, will not suffer it to signifie a doctrine *impious* and *hereticall* in that strict and rigorous manner, but only by way of comparison and similitude: and then the sense and meaning of this *Branch* is, that I doe abhorre, detest, and abiure that doctrine and position as *impious* and *hereticall*, that is, in a most high degree of horror and detestation, and not much vnlike to the detesting of that doctrine, which is *impious* and *hereticall*, in that ouermuch strict and rigorous manner. Neuertheless this *Explication*, as hath beene shewed aboue, is not necessary, but only for such wilfull persons, as do

seeke to expound the wordes of the *Oath* in the most odious sense, contrarie to the plaine and common vnderstanding of them, and the true meaning of the Law-maker.

Chap. V.

The *Fift* Branch of the Oath, and an *Explication* thereof.

And I doe beleeue, and in conscience am resolued, that neither the Pope *nor any person whatsoeuer hath power to absolue me of this Oath, or any part thereof.*

1. This *Clause* hath in it no more difficultie, then is in the former, seeing that it implieth, supposeth, and is grounded vpon the iustice and veritie of the *Third* and *Second* Branch. *First*, therefore by those wordes. [*And I doe beleeue*] is not vnderstood a *supernaturall* beliefe, but only a morall credulitie, as the next wordes [*and in conscience am resolued*] which are an explication of the former, doe sufficiently declare: and the sense of them is, that I doe thinke and am per-

perſwaded in my conſcience, that *neither the Pope, &c.* For it cannot with any reaſon be imagined, that the words which are laſt added, muſt diminiſh, but rather increaſe, or at leaſt wiſe more fully declare the truth and veritie of the former wordes: As for example, it were vnaptly ſpoken to ſay, that *ſuch a one is a man*, and alſo *a liuing creature*; Princes *may be murthered, and alſo depoſed by the Pope: I doe moſt certainly beleeue ſo, and alſo I doe thinke or am perſwaded ſo.*

2. *Secondly*, the meaning of this *Clauſe* is not to deny the *Popes* power to *abſolue*, or diſpence in Oaths in generall, but only *in this Oath, or any part thereof*, as the expreſſe wordes doe plainly ſignifie; neither doth it follow, that becauſe the *Pope* cannot diſpence in this Oath, therefore hee cannot in other Oaths, wherein there is not the like reaſon as of this, or that becauſe hee can diſpenſe in other Oaths, wherein there is not the like reaſon, therefore hee can diſpence in this.

3. *Thirdly*, neither is it the meaning

ning of this *Clauſe*, that if perchance any one ſhould offend God by taking this Oath againſt his conſcience, thinking it to be vnlawfull, the *Pope* hath not power to abſolue him in the Sacrament of Penance from the guilt of ſinne thereby committed, but only the meaning is, that *the Pope hath not power to abſolue* or diſpence, *with any man in this Oath, or any part thereof*, that is, to free, releaſe, and diſcharge him from performing any of thoſe things, which in this Oath hee hath promiſed to performe, or, which is all one, to giue him leaue or licence to do againſt that, which in this *Oath* hee hath promiſed to doe, or not to doe. For all the parts and parcels of this *Oath* are either *aſſertorie*, as *that Our Soueraigne Lord King* Iames *is lawfull and rightfull King of this Realme, &c. and that the Pope hath not any power or authoritie to depoſe him, &c. or to authorize any forraigne Prince to inuade or annoy Him or His Countries, or to diſcharge any of His ſubiects of their Allegiance, &c. and that from my heart I doe abhorre, deteſt, and abiure*

as

as impious and hereticall, &c. and no *assertorie Oaths* can bee dispenced withall, neither hath the *Pope* any power or authoritie, according to the receiued doctrine of all Diuines, to absolue any man from the bond of these kind of Oaths; And the reason is, because the matter of an *assertorie Oath* being of an act present or past, is now made altogether necessarie and irreuocable, for that assoone as euer the Oath is made, it is either true or false by reason of the truth or falshood of the act which now is past. Wherefore seeing that it is impossible, that the act which is past, be not past, so also it is impossible, that the *Popes* Dispensation or Absolution can alter it or recall it: for it is impossible, that the act of swearing, which is now, or hath beene true, be not now, or hath not beene true: Or else they are *promissorie*, to wit, wherein some thing is promised for the future time to bee done, or not to be done. And only these kinde of Oathes can bee dispenced withall. For as well saith Saint *Thomas*, with whome all other Di-

So S. *Thom.* 2. 2. q. 89. ar. 9. and all other Diuines.

S. *Thom.* 2. 2. q. 89. ar. 7.

Diuines doe herein agree, *the bond of an Oath is referred to some thing which is to bee performed or omitted, wherefore it doth not appertayne to an assertorie Oath which is of a thing present or past, but only to a promissorie Oath.*

4. Now in this *Oath* of Allegiance only *three things* are promised by the swearer, all which are contained in the *third* Branch; to wit, that *notwithstanding any declaration or sentence of Excommunication or deprivation made or to bee made against the* Kings Maiestie, *his Heires or Successors,* First, *he will beare faith, and true allegiance to his* Maiestie, *his Heires and Successors:* Secondly, *hee will defend them to the vttermost of his power against all Conspiracies &c. and* Thirdly, *he wil make known vnto them all Treasons & trayterous Conspiracies, which hee shall know or heare of to bee made against any of them.* Wherefore there is no more difficultie in this *Clause*, then is in the *third*, whereon this *Clause* is chiefely grounded. And therefore it is most euident, that the

Pope

Pope hath no more authoritie to *Abſolue*, or diſpence in any of theſe *three* things, which the ſwearer promiſeth, then hee hath authoritie to *depoſe the King*, and to make him no King: for that it is moſt certaine, as Cardinall *Bellarmine* him ſelfe confeſſeth, that *Subiects are bound by the Law of God to beare faith and true Allegiance* (which includeth the reſiſting and diſcloſing of all Treaſons and Traiterous Conſpiracies) *to their lawfull Prince, ſo long as he remaineth Prince:* ſeeing that it is euident, as well obſerueth *Suarez*, that *the obligation of obedience in any degree or ſtate whatſoeuer doth ſo long endure in the ſubiect, as the dignitie, or power and iuriſdiction doth endure in the Superiour, for theſe are correlatiues, and the one dependeth on the other.* Therefore it is manifeſt, that the *Pope* hath no more authoritie to *abſolue*, or diſpenſe *in this Oath, or any part thereof*, to wit, in thoſe *three* things before mentioned, then hee hath to make *Kings* no *Kings*, and to deprive them of their *Regall* dignitie, power, and iuriſdiction.

Bell. *in Tract. contra* Barclai. *cap.* 21. *pag.* 202.

Suarez *in Defenſ. Cath. lib.* 3. *cap.* 3 *num.* 3.

5. *Fourth-*

5. *Fourthly*, neither is it the meaning of this *Clause*, that the *Pope* hath not any power to *absolue* the swearer from the promise which hee maketh to performe those *three* things mentioned in the *third* Branch, only with this reduplication, as it is sworne or confirmed by Oath, or, which is all one, only from the sacred and religious bond of the Oath; but the meaning is, that the *Pope hath not authoritie to absolue from this Oath or any part thereof* for as much it concerneth the ciuill and naturall obligation of temporall Allegiance; both for that, when it is said that the *Pope* hath authoritie to absolue one from an Oath, which he hath made to doe some certaine thing, the meaning is, (according to the plaine and proper signification of the words, the common Doctrine of all Diuines, and the vsuall practices of *Popes*, who when they absolue from any Oath, they absolue from all obligation whatsoeuer contained therein) that the *Pope*, hath authoritie to release him of that promise, and to giue him

See the Canons *Nos Sanctorum, Iuratos, Absolutos.*

him leaue to doe otherwiſe then hee hath promiſed by Oath to doe: And alſo for that his *Maieſtie* and the State, according to whoſe meaning eſpecially the doubtfull words of this Oath are to bee vnderſtood and determined, doe little regard this ſubtile quircke of refined wits, whether the *Pope* hath power to abſolue his *Maieſties* ſubiects from the ſacred and religious bond of their naturall Allegiance, or, which is all one, only as it is ſworne, or confirmed by Oath, ſo that notwithſtanding the releaſing of this ſacred bond, they may bee aſſured, that the ciuill and naturall obligation of the ſubiects temporall Allegiance, to the confirmation whereof this *Oath* is ſuperadded, doth remaine inuiolable, and indiſpenſable, and by the *Popes* authoritie cannot any way be diſſolued or diminiſhed, but that his *Subiects*, although they might by the *Popes* authoritie bee abſolued from the ſacred bond of their Allegiance as it is confirmed by Oath, are neuertheleſſe by the Law of God and Nature obliged

ged to beare faith and true Allegiance to his *Maieſtie*, and that therein the *Pope* hath no authoritie to diſpenſe.

6. And although wee ſhould for Diſputation ſake admit, that it were the meaning of this Clauſe, that the *Pope* hath no authoritie to abſolue the ſweater ſo much as from the *Sacred* bond of this Oath, or any part thereof, or, which is all one, from any of theſe *three* things promiſed in the *third* Branch, only with this reduplication as they are ſworne, or confirmed by Oath (of which nice ſubtilitie his *Maieſtie* and the *Parliament* by all likelihood little dreamed) yet any man may with great reaſon thinke, and in conſcience be reſolued, that the *Pope* hath no ſuch authoritie: for that, according to the common doctrine of Diuines, the *Pope* hath not power to abſolue from *Oaths*, when the abſoluing from them tendeth to the temporall preiudice of a *third* perſon, vnleſſe either directly or indirectly hee hath power to diſpoſe of the temporall goods of that perſon.

ſon. For *hee hath not power*, ſaith *Sotus*, *Aragona*, and *Sayrus to releaſe an Oath which one hath made to another man to pay him that debt which he oweth him, becauſe he hath not power to take from another man that which is his owne, and therefore he can not doe him wrong in releaſing the Oath which was made vnto him. Wherefore this difference is betweene Vowes and Oaths, that in changing and diſpencing of Vowes that only muſt be regarded which is more pleaſing to God, but in releaſing of Oaths great caution muſt be vſed, that no wrong be done to a third perſon.*

Scotus *lib.* 8. *de Inſtit. q.* 1. *art.* 9. *Aragona* 2. 2. *q.* 89. *art.* 9. *Sayrus* lib. 5. *Theſauri cap.* 8. num. 4.

7. And this is farre more euident in the doctrine of Saint *Thomas*, whom the greateſt part of Diuines doe herein follow, who houldeth, that the *Pope* cannot diſpence in Oaths by releaſing directly the ſacred obligation of the Oath, for that this obligation is *de iure naturæ*, wherein the *Pope* cannot diſpence, but only by declaring, that the thing promiſed by Oath, which before was a fit thing to bee ſworne, and

S. *Thom.* 2. 2. qu. 89. art. 9.

therefore by vertue of the Oath to be performed, so long as it remayneth so, is now, by reason of some particular accident or circumstance, become vnlawfull, hurtful, or an hinderance of greater good, and therefore now no fit matter to be sworne, nor by vertue of the Oath to be now any longer performed. From whence it plainely followeth, that the *Pope* cannot absolue from this *Oath* of Allegiance, vnlesse hee hath power to declare, that temporall Allegiance, which Subiects by the Law of *God*, and *Nature* owe to their lawfull Prince so long as he remaineth Prince, be vnlawfull, hurtfull, or an hinderance of greater good, which he cannot in any wise declare, vnlesse hee hath power to make a King no King. For consequently hee should also declare, that *God* and *Nature* commanding Subiects to beare true faith and Allegiance to their lawfull Prince, should enioyne them an vnlawfull or hurtfull thing, or which is an hinderance of greater good, which is impossible. And so in this Clause there

is

is no more difficultie concerning this point of the *Popes* authoritie not to absolue from this *Oath* of Allegiance, or any part thereof, then is in the former clauses, wherein the *Popes* authoritie to *depose* Kings, and to *absolue* Subiects from their naturall allegiance, is denyed.

8. *Lastly*, by those words [*nor any person whatsoeuer*] is not vnderstood the *Kings Maiestie*: Both for that in the Lawes of this Realme the Kings *Maiestie* is not vnderstood by the name of *person*, or persons, when the matter is odious: & also, as in no penal law the *Prince* or *Law-maker* himselfe is included vnder any generall word, because he is not subiect to such laws, according to that principle of the law, *Princeps legibus solutus est*, *The Prince is free from lawes*: so also when it is said in the Law, that no *person whatsoeuer* hath power to dispence in that law, or to change or alter that Law, the *Law-maker* himselfe, who is aboue the Law, is not comprehended vnder those generall words; yea and, as well obserueth *Salas* and *Sa*, both Ie-

Leg. Princeps. *ff.* de Legibus.

Salas *disp.* 21. *de Legibus sec.* 3. *regula* 12. & Emanuel Sa *verbo Interpretatio. nu.* 14.

suites, *In a generall speech the person who speaketh is vnderstood to bee excepted.*

9. And although we should admit, that the *Kings Maiestie* were included in those wordes [*nor any person whatsoeuer*] yet this *clause* would neuertheless be very true: And the reason is, for that albeit his *Maiestie* hath power to dispence with his subiects, that they shall not take this *Oath*, which is not the meaning of this *Clause*, yet he hath not power to absolue them from this *Oath*, or any part thereof after they haue once taken it, which is the true sense & meaning of this Branch. *First*, for that to *dispence* or *absolue* from Oaths (taking those words [to *dispence* or *absolue*] according to their proper signification, and as they are taken commonly by Diuines) doth belong onely to spirituall and not to temporall power. Wherefore the Diuines make a great difference betweene *absoluing* or *dispencing* in Oathes or Vowes, and *releasing* or *annulling* the same; and they affirme, that to *release* or *annull* an

an Oath or Vow, a temporall power, yea and ſometimes priuate authoritie may ſuffice, as Parents may releaſe and annull the oathes and vowes of their children; but to *abſolue* or *diſpence* in an Oath or Vow, a ſpirituall authoritie and iuriſdiction is neceſſarily required. But *ſecondly*, and *principally*, for that his *Maieſtie* hath not power to releaſe his ſubiects from their temporall and naturall allegiance, vnleſſe he will ceaſe to be their Prince, becauſe temporall allegiance is by the law of God and Nature due to him from his *Subiects*, ſo long as he remayneth their Prince; and therfore he cannot abſolue, diſcharge, or releaſe them from the Obligation of this Oath or any part thereof; or, which is all one, he cannot giue them *leaue*, not *to beare faith and true allegiance to his* Maieſtie, *and conſequently not to defend him to the vttermoſt of their power againſt all Treaſons and trayterous conſpiracies, which ſhall be made againſt his Royall perſon, Crowne and dignitie*, and *not to doe their beſt endeanor to diſcloſe, and make them knowne*

vnto his Maieſtie, ſeeing that to performe all theſe things Subiects are bound by the law of *God* and *Nature*, wherein no temporall or ſpirituall authoritie can diſpence. And therefore the *Authour* of the *Proteſtants Apologie for the Roman Church*, trac. 3. Sec. 5. doth very well affirme, that *all Catholikes are by all Lawes, Diuine and Humane*, indiſſolubly *obliged in the higheſt degree of all earthly Allegiance to his Maieſtie that now is, as to their true, vndoubted, lawfull Soueraigne liege Lord and King.*

Chap. VI.

The *Sixt* Branch of the Oath, and an *Explication* of the ſame.

WHich Oath *I acknowledge by good and full authoritie to bee lawfully miniſtred vnto mee: and doe renounce all pardons and diſpenſations to the contrarie.*

1. This *Branch* contayneth in it no difficultie at all, if wee conſider what hath

hath beene ſaid before; to wit, that in this *Oath* is onely demanded a ſincere profeſſion of true temporall allegiance, and that no authoritie or obedience, which is due to the *Pope*, is denied therein: And that to treat of the *Popes* authoritie, not *affirmatiuely* what power he hath, but *affirmatiuely* what authoritie in temporalls the *Kings Maieſtie* hath ouer his Kingdome and Subiects; and conſequently what authoritie in temporalls the *Pope* hath not ouer the ſaid kingdome and ſubiects: and alſo, that to exact of Subiects an *Oath* not onely of their temporall allegiance in *generall*, but alſo of ſuch allegiance in *particular*, which his *Maieſtie* and the *State* ſhall for prudent reaſons & motiues thinke to be neceſſarie for the preſeruation of the Kingdome from future Treaſons, Inuaſions, or Perturbations, ſo that it bee contayned within the bounds of true temporall alleigance, doth no way exceede the limits of temporall authoritie.

2. *Firſt* therefore by thoſe words [*good and full authoritie*] is not vnder-

ſtood any authoritie of the *Kings Maieſtie* in *Eccleſiaſticall* cauſes, but onely in *temporall* matters, as is the miniſtring of an Oath of true temporall allegiance. For although his *Maieſty* be perſwaded, that hee hath full and ſupreme authoritie not onely in *temporall*, but alſo in *Eccleſiaſticall* affaires, for externall gouernement; and that the *Pope* hath not ouer him or his Subiects within this Realme, any authoritie or iuriſdiction, nor power to *excommunicate* his *Maieſtie*, yet his meaning is not to meddle at all in this Oath eyther with his owne, or with the Popes *Eccleſiaſticall Supremacie*, but onely with his owne *temporall Soueraigntie*, and conſequently with the *Popes authoritie* not to *depoſe* him, or to *diſpoſe* of his Kingdome, or to *authorize* any forraigne Prince to inuade or annoy him, or to *abſolue* his Subiects from their obedience, &c. And therefore, as I obſerued before in the *third* obſeruation, wee muſt diſtinguiſh betwixt his *Maieſties* vnderſtanding or perſwaſion, and his meaning or intention: for his meaning

was

was not to exact *in this Oath* of His Subiects all which hee is perſwaded he might lawfully exact of them, but only to demand of them *in this Oath* a profeſſion of that temporall Allegiance, which all Subiects are bound by the Law of God to giue to their lawfull Soueraigne, as it is manifeſt by the declaration both of His *Maieſtie* and alſo of the *Parliament:* and therefore Hee was carefull not to meddle with the *Popes* authority to *excommunicate* Him,

3. *Secondly*, it is certaine, that albeit Chriſtian *Princes* haue not authoritie to define and determine what poſition is *hereticall*, or to puniſh Heretikes with ſpirituall puniſhments (for theſe are meere ſpirituall things) yet they haue authoritie to command their ſubiects to abiure ſuch poſitions as are alreadie defined, or knowne to bee manifeſtly falſe and repugnant to the holy Scriptures, for ſuch: and to puniſh with temporall puniſhments the obſtinate maintayners of the ſame, eſpecially as the mayntayning of ſuch poſitions is hurtfull to the pub-

publike temporall peace, whereof the *King* hath charge: and who therefore may also by the materiall Sword repell the wrongs and iniuries offered to the temporall Kingdome or Common-wealth by Clergie-men, and also the abuses of the spirituall Sword, when they tend to the hurt of the ciuill Common-wealth, as *Franciscus Victoria, Ioannes Parisiensis,* and *Couerruuias* doe well obserue. Wherefore *a King,* saith *Dominicus Bannes, doth punish Heretikes as most seditious Enemies to the peace of His Kingdome, which cannot be preserued without vnitie of Religion. And Marriage,* saith *Dominicus Sotus, being a Sacrament in such sort, that it is also a ciuill contract, it nothing letteth, but that as in the former respect it belongeth to the Ecclesiasticall Court, so in regard of the later it is subiect also in some sort to the Ciuill. Not that Princes can alter those things which are of the substance of Matrimonie, but that they may punish them, who contract Matrimonie, when by contracting they shall offend against the publike peace: for against those*

Victoria *Relect.* 1. *de potest. Eccles. sec.* 7. § octaua propositio.
Parisiensis *de potest. Reg. & Pap. cap.* 21. *ad* 37.
Couerruu. *cap.* 35. Practic. question.
Bannes 2. 2. *q.* 11. *ar.* 4. 1.
Sotus *in* 4. *dist.* 29. *q.* 1. *ar.* 4.

those crimes, whose iudgement doth belong to the Ecclesiasticall Court, they may also ordayne punishments, as they disturbe the peace of the Common-wealth. Which doctrine of *Sotus* may in the very like manner bee applyed to *Heresie*, which *being a spirituall offence in such sort, that also it disturbeth the temporall peace of the Common-wealth, it nothing letteth, but that as in the former respect it belongeth to the Ecclesiasticall Court, so in regard of the later it is subiect also in some sort to the Ciuill; not that Princes can determine and define what is Heresie, but that they may punish Heretikes, when by defending hereticall positions, they shall offend against the publike good. For against those crimes, whose iudgement doth belong to the Ecclesiasticall Court, they may also ordayne punishments, as they disturbe the peace of the Common-wealth.* And therefore Christian Princes haue good and full power to compell their Subiects to abiure impious, damnable, and *heretical* positions for such, when it is necessarie to the preseruation of the pub-

publike temporall peace, and to discouer how their Subiects ſtand affected in point of their Loyaltie and due Obedience.

4. *Thirdly*, it is euident, that *Clergie-men* being truely ſubiect to *temporall Princes*, in regard of their naturall birth, and of their liuing in Ciuill Societie with others, and conſequently bound, according to the common doctrine of *Diuines*, to obſerue their iuſt Lawes not only *virationis*, but alſo *vi legis*, by *force of the Law*, doe owe true Allegiance to their naturall Prince, no leſſe then *Lay-men*, and that therefore hee may lawfully demand of them, as they are Subiects, an Oath of their Allegiance, whenſoeuer hee ſhall iuſtly ſuſpect their fidelitie. And although ſome *Clergie-men* ſhould bee ſo capricious, as to imagine, contrarie to the practice of the Primitiue Church, the doctrine of the Ancient Fathers, and manifeſt reaſon, that they are not ſubiect at all to the authoritie of temporall Princes, and thereupon ſhould make a ſcruple to take this *Oath* as

lawfully

lawfully ministred to them by good and full authoritie, yet this could not bee a sufficient proofe, that the *Oath* is vnlawfull in it selfe, or that *Lay-men* cannot lawfully take it, and also acknowledge, that it is lawfully ministred vnto them by good and full authoritie.

5. *Lastly*, in those words [*And I doe renounce all Pardons and Dispensations to the contrarie*] is not implyed a renouncing in generall of the *Popes* authoritie to giue Pardons and Dispensations, but, as the wordes doe plainly signifie, in them is only contayned a denyall of the *Popes* authoritie to dispence with the Swearer, or to giue him leaue and license to doe contrarie to that which hee hath promised in this Oath. Wherefore the veritie of these last wordes is chiefly grounded vpon the lawfulnesse of the *Fift* Branch. For if the *Pope* hath no power and authoritie to absolue the Swearer from any part of this Oath, becausse those *three* things before mentioned, which he promiseth to performe, he is bound by the Law

of

of God and Nature to performe, and that therein no authoritie of *Pope* or *Prince* can dispence, it is manifest, that hee may lawfully renounce all Pardons and Dispensations to the contrarie.

CHAP. VII.

The *Seuenth* Branch of the Oath, and an *Explication* thereof.

" *AND all these things I do plainly and sincerely acknowledge* " *and sweare according to these expresse words by me spoken, and according* " *to the plaine and common sense,* " *& vnderstanding of the same words* " *without any equiuocation, or mentall* " *euasion, or secret reseruation whatsoeuer.*

1. This *Branch* is greatly to bee regarded, for that it expresly declareth, in what sense the Swearer is bound to take all the parts and parcels of this Oath. And *first*, by those first words *And all these things I doe plainly and sincerely acknowledge and sweare,*

ſweare, &c.] it is manifeſt, that the immediate obiect of all this Oath and euery part therof, or, which is all one, that which in all the former *Branches* I doe directly and immediatly ſweare, is my *plaine and ſincere acknowledgement*, to wit, that our *Soueraigne Lord King* Iames *is the lawfull and rightfull King of this Realme, &c.* and *that the Pope hath not any power or authoritie to depoſe him, &c.* and that *I will beare Faith & true Allegiance to His* Maieſtie, *&c.* and *that from my heart I doe abhorre, deteſt, and abiure as impious and heretical, &c.* and that I doe beleeue and in conſcience am reſolued, &c. and that *it is lawfully miniſtred vnto me by good and full authoritie*, and that I *doe renounce all Pardons and Diſpenſations to the contrarie.* Whereupon the Oath concludeth thus: *And I doe make this recognition and acknowledgement heartily, willingly and truly vpon the true faith of a Chriſtian.* So that the plaine and proper meaning of this *Branch* is, that whatſoeuer I doe *ſweare* in this Oath, I doe ſweare plainly

plainly and sincerely according to these expresse words, &c.

2. *Secondly*, the meaning of those words [*without any equiuocation, &c.*] is not, that there is not to be found in this Oath any equiuocall wordes, and which may not haue two proper and vsuall significations, especially if they be taken barely and by themselues alone (for if wee consider them as they be ioined with other words and make a full and perfect sentence, and doe also duly regard the intention of the Law-maker with the other obseruations before set downe, we shall hardly find any one sentence in this Oath so equiuocall or ambiguous, that according to the common vnderstanding of men it hath two senses, equally common, which is properly to bee equiuocal.) But the plaine and proper meaning of those words is, that the Swearer must not in this *Oath* equiuocate, or vse any equiuocation, mentall euasion, or secret reseruation whatsoeuer, but that he must deale plainly and sincerely according to the minde and intention of the Law-maker. For it

it is one thing to *vſe equiuocall words*, and an other thing to equiuocate, or *to vſe equiuocation*, beeauſe one may vſe equiuocal words, and not deceiue or delude the hearer, for that hee vſeth the words in that ſenſe, wherein the hearer vnderſtandeth them. But to *equiuocate* implyeth a fraudulent, deceitfull, and vnſincere dealing by vſing the words in an other ſenſe, then the hearer vnderſtandeth them.

3. Wherefore the plaine meaning of this *Branch* is, that albeit in this Oath there might bee found diuerſe common ſenſes of the ſame wordes, yet the Swearer muſt not *equiuocate*, but hee muſt take the wordes in that ſenſe, wherin the Law-maker vnderſtandeth them, with whome hee is bonnd, by vertue of this *Branch*, to deale plainly, ſincerely, without any guile, fraude, deceit, euaſion, or ſecret reſeruation whatſoeuer. But if perchance there ſhould any difficulty ariſe concerning any ambiguous word, or ſentence contayned in this Oath, and the will, meaning, and intention of the Law-maker could not

bee knowne, then wee muſt vſe thoſe rules, which, according to the approued doctrine of all Diuines and Lawyers, wee haue aboue ſet downe for the interpreting of doubtfull and ambiguous ſpeeches in any Law. And namely among the reſt, that in penall Lawes and odious matters the milder and more fauourable ſenſe, and which contayneth in it no abſurditie, is to be choſen.

4 Seeing therefore that, according to the doctrine of all Diuines, it is not lawfull to *equinocate*, or to *vſe equinocation*, but we muſt anſwere plainly and ſincerely according to the meaning and intention of the Iudge, when hee proceedeth iuridically, and demandeth no vniuſt and vnlawfull thing, but which hee hath authoritie to demand, it is manifeſt, that the veritie of this *Branch* dependeth wholly vpon the lawfulneſſe of the Oath, and vpon the authoritie of the maker thereof, and that conſequently there is no difficultie in this Clauſe, ſuppoſing the lawfulneſſe of the former Clauſes, and that this Oath is

law-

lawfully ministred by good and full authoritie.

Chap. VIII.
The *Eight* and last Branch of the Oath.

" *And I doe make this recognition*
" *and acknowledgement heartily,*
" *willingly, and truely, vpon the true*
" *faith of a Christian. So helpe mee*
" *God.*

1. The lawfulneſſe of this *Branch* dependeth wholly vpon the veritie and iuſtice of the former Clauſes, and will cleerely appeare, if wee ſuppoſe, as hath beene ſhewed before, that this *Oath* of Allegiance contayneth in it no falſhood or iniuſtice, and that it is miniſtred vnder great penalties by lawfull authoritie, to make a triall how his *Maieſties* ſubiects ſtand affected in point of their loyaltie and due obedience. For as *Vaſquez* obſerueth very well out of *Ariſtotle*, with whom all Diuines and Philoſophers do herein agree, to make an act of vertue to bee morally good and

Vaſquez 1. 2. *Diſp.* 51. *cap.* 3. & *diſp.* 73. *cap.* 7. & *diſp.* 86. *cap.* 5.

vertuous, it is not only required, that it haue a good and vertuous obiect, but also it must bee done directly for the goodnesse and honestie of the vertue it selfe, and not for any other end or motiue. For othetwise if one doe acts of vertue, as of iustice, or temperance, not for iustice or temperance sake, but for some other end, as for lucre, vaine glorie, feare of punishment, or any other motiue whatsoeuer, *he shall doe,* saith *Aristotle, iust or temperate actions, but hee shall not doe them iustly or temperately, neither shall hee for doing those actions be accounted a iust or temperate man.* Seeing therefore that euery iust and vertuous man ought to obserue iust Lawes, not for feare of punishment as the wicked do, but heartily, willingly, and *truely*, that is, *sincerely*, and *vnfainedly*, for the loue of vertue, it is euident, that euery good and well affected subiect may and ought to take this Oath of Allegiance, supposing it to be lawfull and ministred by good and full authoritie, not for feare of punishment, as likewise we ought to ob-

Aristot. 2. Ethic. cap. 4.

obſerue God his commandements, not for feare of eternall damnation, but heartily, willingly, and vnfainedly, for the loue of vertue and obedience. Wherefore it is manifeſt, that euery good and vertuous Subiect ought to haue a farre greater willingneſſe in obſeruing iuſt Lawes, although they be impoſed vnder paine of death, then hath a Merchant being in danger of drowning, to caſt ouer board his goods for ſauing his life: for that a Merchant in that caſe is only willing to loſe his goods, for that otherwiſe hee cannot eſcape the danger of his life, but euery vertuous man ought to obſerue iuſt Lawes heartily, willingly, and vnfainedly, for vertue and obedience ſake, although hee were in no danger of being pnniſhed for not obſeruing the ſame.

2. And thus thou ſeeſt *good Reader*, that this *new Oath* of *Allegiance* doth not want either *Veritie, Iuſtice* or *Iudgement*, as well in regard of the takers, as of the makers & propounders of the ſame: That the State,

ſuppoſing that horrible *Powder Treaſon*, which was grounded vpon colour and pretence of the *Popes* authoritie to take away the Crownes and liues of *Princes* in order to ſpirituall good, had iuſt cauſe to deuiſe a *new Oath* of Allegiance, wherein mention ſhould bee made of the aforeſaid authoritie, to make a true difference, betwixt ciuilly obedient Subiects, and the peruerſe diſciples of thoſe *Powder Traitors*, it is euident by that which hath beene ſaid before in the fourth obſeruation: and that therfore the *State* in deuiſing and propounding ſuch an Oath did not want *Iudgement*. Alſo that the Subiect hath iuſt cauſe to take the Oath, ſuppoſing it to bee lawfull and miniſtred by good and full authoritie, and that conſequently in taking it, after he hath examined and ſeene the lawfulneſſe thereof, doth not want *Iudgement*, it is as euident, as that there is no want of *Iudgement* to obſerue the iuſt commandement of his Lawfull Superiour, when after due examination he findeth the commandement to bee

iuſt.

iuſt. And finally, that no *aſſertorie* Clauſe of the Oath wanteth *Veritie*, nor any *Promiſſorie* Clauſe wanteth *Iuſtice*, or, which is all one, that no falſhood or iniuſtice is to bee found in any part or parcell of the Oath, it is manifeſt by the former Explication of euery *Branch* in particular.

CHAP. IX.
An Anſwere to the Popes Breues.

1. THere remaineth only one difficultie to be explained concerning the *Popes Breues*, which forbid Engliſh Catholikes to take this new Oath *for that it containeth many things which are plainely againſt faith and ſaluation.* And although *Widdrington* both in his *Theologicall Diſputation*, and alſo more fully in his *Anſwere* to *Fitz-herberts* Reply hath cleared this difficultie, yet I thinke it not amiſſe briefly to ſet downe ſome generall heads of his anſwere to the ſaid *Breues*, whereby any iudicious man may haue ſufficient grounds to

Widdrington in his *Diſput. Theolog. cap.* 10. *ſec.* 2. and in his *Anſwere* to *Fitzherb. part.* 3. *cap.* 7.

iudge not only how farre the *Popes* aforesaid *Breues*, but also all other of the like kind may without any irreuerence or disobedience to *the Sea Apostolike* be contradicted, or not admitted by good and vertuous Catholikes.

2. *First* therefore, *Widdrington* sheweth out of the approued Doctrine of *Suarez* and other Diuines, that there bee two sorts of Lawes or Precepts, the *one* are called *Constitutiue*, for that they doe not suppose, but make the thing, which they forbid, to be vnlawfull, which, if that Precept were not, would be lawfull, as the Precept of the Church to fast from Flesh in Lent, to abstaine from seruile works vpon commanded Holy-daies, to receiue the Blessed Sacrament at Easter, or the like: And that no *Constitutiue* Precept of the Church doth binde, when by obseruing it there is danger to incurre some notable corporall or temporall hurt. The *other* are called *Declaratiue*, for that they doe not make, but suppose and declare the thing to bee vnlawfull which

which they forbid, as being forbidden by some former Law; as the forbidding of Theft, Murder, Whoredome, Vsurie, and such like, for that they are before forbidden by the Law of God and Nature: And that the obligation of *Declaratiue* Precepts doth only depend vpon the reason and former Law, which in the *Declaratiue* Precept is supposed and declared: So that if there bee no such former Law or prohibition, as in the *Declaratiue* Precept is supposed and declared, the *Declaratiue* Precept hath no force to bind.

3. *Secondly*, he sheweth, that the *Popes Breues* forbidding English Catholikes to take the Oath, doe not containe a *Constitutiue*, but only a *Declaratiue* Precept, neither do they make, but suppose and declare the Oath to be vnlawfull, *for that*, say the *Breues*, *it contayneth in it many things, which are manifestly against faith and saluation*; and that consequently, if in the Oath there bee nothing against faith or saluation, as the *Breues* suppose and declare, it is manifest,

niſeſt, that the *Breues* haue no force at all to bind Engliſh Catholickes not to take the Oath, for that they are grounded vpon a falſe reaſon, ſuppoſition, and declaration.

4. *Thirdly*, he ſheweth that all *declaratiue Breues* are eyther *definitiue*, or grounded vpon ſome former definition, of *Pope* or *Councell*, or elſe they are onely *opinatiue*, or grounded vpon the *Popes* opinatiue iudgement, perſwaſion, or probable opinion: And that if they bee grounded vpon the *Popes* opinion, no man is bound to obey them, as neyther to follow his opinion, whereon they are grounded: but hee may as lawfully contradict them, as he may contradict his opinion, although the *Pope* thinke it to bee neuer ſo *probable*: And that vpon this ground, cauſe, and reaſon, it was lawfull for Catholickes to contradict the *declaratiue Breue* of Pope *Nicholas* the Firſt, [a] wherein he declared, that *Baptiſme miniſtred in the name of Chriſt without expreſſing the three perſons of the B. Trinitie was valid and true Baptiſme*: And the *declaratiue Breue* of Pope

[a] De conſecr. diſt. 4. can. A quodam Iudæo.

Pope *Celestine* the Third, [b] wherein he declared, and, as *Alphonsus de Castro* saith, he defined, that *Marriage is so dissolued by heresie, that the partie whose Consort falleth into heresie, may lawfully marry an other*, which Doctrine is now condemned in the *Councell of Trent*: [c] And the *declaratiue Breues* or *Letters* of Pope *Iohn* the 22. who publiquely taught and declared, *that the soules of the Blessed should not see God, before the resurrection*, [d] wherein hee was contradicted by the *Doctours of Paris*, and caused to recall his Doctrine: And the *declaratiue Breue* of Pope *Boniface* the eight, wherein he *declared*, that *Philip the French King was subiect to him in spiritualls and temporalls, wherein he was contradicted by the French Nation, and taxed of wonderfull impudency.* [*]

5. *Fourthly*, he sheweth, that the *Popes declaratiue Breues* forbidding Catholicks to take the oath, *for that it containeth many things which are manifestly against faith and saluation*, are neyther *definitiue*, for that they are not directed to the whole Church, nor doe con-

[b] Which was once extant in the Canon Law, in cap. *Laudabilem de conuersi. coniugat.* Castro *lib. 1. de hæres. cap. 4.*

[c] *Sec. 24. de Reformat. c. 5.*

[d] *See* Castro *lib. 3. contra hæres. verbo Beatitudo hæres. 6.* Bellar. *lib. 4. de Rom. Pont. c. 14.* Hadrianus *Papa in quæst. de Confirm. circa finem*, and other Histories.

[*] *See* Nicolaus Vignerius *ad annum* 1300.

contayne any of those rules, which, according to Cardinal *Bellarmine* and other Diuines, is required to a true and infallible definition of faith (for onely of this kind of definition now wee speake) and that although they were *definitiue*, yet considering that it is a probable Doctrine, that the *Pope* hath no authoritie infallibly to define without a generall Councell, no Catholicke is bound to giue more credit to his definition, then to follow his probable Doctrine and opinion: neyther are they grounded vpon any former definition of *Pope* or *Councell*, and which all Catholickes are bound to admit for a true definition, as *Widdrington* hath proued at large by answering all the Decrees and Canons of *Popes* or *Councells*; which *Lessius* (masked vnder the name of *D. Singleton*) hath scraped together. But they are grounded onely vpon the *opinatiue* iudgement of the *Pope*, and some other *Diuines* of *Rome*, who then were of opinion, that many things are contayned in the Oath manifestly repug-

repugnant to faith and saluation, for one of these *two* grounds and reasons, or rather for both: The *first*, that the *Popes* power to *excommunicate*, and consequently his spirituall authoritie is denyed in the Oath: and that the *Breues* were chiefly grounded vpon this reason, *Widdrington* conuinceth by the *Popes* answer to Fa: *Parsons*; by the consult and resolution of the *Diuines of Rome*; by Cardinall *Bellarmine* (who doubtlesse would not in this poynt dissent from the opinion and resolution of the *Pope*, and the other Diuines of *Rome*, nor they from him) affirming that in the Oath *is plainely* or *manifestly denyed to the* Pope, *power to excommunicate euen heretical Kings*, for which he is deseruedly taxed by his *Maiestie* of manifest falshood: and *lastly*, by those wordes of the *Breues*, *that in the Oath are contayned many things*, quæ apertè aduersantur fidei, *which are plainely or expresly repugnant to faith*: But none of our learned Aduersaries dare affirme, that the denyall of the *Popes* power to *depose* Princes, is plainely and expresly repugnant

Widdrington against *Fitzh.* part 3. chap. 17. *Bellarmine* in his *Answer* to the *Apologie*, pag. 9.

repugnant to faith, but at the most, *tacite*, and *telle*, *couertly*, and *closely*, and that by many farre fetcht (and ill deduced) inferences and suppositions: and that therefore they supposed with Cardinall *Bellarmine*, that the Popes power to *excommunicate*, is denyed in the Oath: The *second* ground or reason is, that the *Popes* power to *depose* Princes, to dipose of their temporalls, and to absolue subiects from their temporall allegiance, which doubtlesse is denyed in the Oath, is a cleare poynt of faith, and not in controuersie among Catholiques, both which grounds and reasons are manifestly false, as hath beene sufficiently conuinced by the former Discourse: and consequently, that it is no more vnlawful not to obey the *Popes declaratiue Breues* forbidding Catholickes to take the Oath, they being grounded vpon the aforesaid reasons & suppositions, which are manifestly false, then it is vnlawfull not to approue the said false reasons and suppositions, for that a *declaratiue precept* hath no more force to bind, according to the

See Suarez *lib. 6. cap. 1. de* Iuramento fidelitatis.

the Doctrine of *Suarez*, (which is also conforme to manifest reason) then hath the reason & supposition whereon it is grounded.

6. *Lastly*, he sheweth out of the doctrine of *Dominicus Sotus*, & other diuines, that if a Prelate, or any other Superiour command a thing, which the Subiect doubteth to be vniust, and the thing which is commanded be in preiudice of a third person, who is in possession of his goods and good name, it is no irreuerence, or disobedience in the Subiect not to obey, propounding to his Superiour with all humilitie and reuerence the reasons of his doubt. Seeing therefore that *Widdrington* hath in the name of English Catholickes propounded to his *Holinesse* the reasons which moued them to doubt, that his *declaratiue Breues* were not iust, as beeing greatly preiudiciall to his *Mtiesties* temporall Soueraignte, and namely for that they were grounded vpon the *two* aforesaid false reasons and suppositions, and that they haue not had as yet any satisfaction concerning those their

Sotus *de de legendo secreto memb. 2. nu. 2.* See *Widdrington* in the Discouery of the 15. colum of D. *Schulked.*

their doubts, it is not onely manifeſt, that they cannot be iuſtly taxed of any diſobedience or irreuerence to his *Holineſſe*, for not obeying the aforeſaid *Breues*, but alſo it is an euident ſigne, that his *Holineſſe* could not ſatisfie their doubts, and that now hee plainly ſeeth, that he and his Diuines were miſtaken, and that his *declaratiue Breues* were grounded vpon thoſe falſe reaſons and ſuppoſitions which he could not iuſtifie or make good: Otherwiſe he would without all doubt, in regard of his Fatherly care, and Paſtorall charge, haue ſought to haue giuen them all poſſible ſatisfaction in this poynt, which ſo neerely concerneth not onely their ſoules health, and their temporall ſtates and libertie, but which alſo is ſo iniurious to his *Maieſtie*, and ſo ſcandalous to Catholicke Religion, giuing occaſion to all *Proteſtant* Princes and ſubiects to perſwade themſelues, that the profeſſion of the Catholicke *Roman Religion* cannot ſtand with true and conſtant loyaltie, but that it is a Nurcery of vniuſt Inuaſions, Rebellions, and Powder-Treaſons. 7. Where-

7. Wherefore, (for the last fare-well) I beseech you again and againe (*deare Countrimen*) not to forget those two most certaine Principles, whereon is chiefly grounded the Doctrine for the iustifying of the Oath, and for the securing of Princes from all trayterous Conspiracies, practises, and attempts, vnder the colour and pretence of the *Popes* authoritie to depose them; to wit, that it is a great controuersie among learned Catholickes, and therefore not certayne, but truely probable, that the *Pope* hath no authoritie to depriue Soueraigne Princes, and that no power or title, which is not most certayn, but in controuersie, can bee a lawfull ground, whereby immediately any man may be punished, or depriued of that right, dominion, or any other thing which hee really and *bona fide* possesseth; both which Principles, are, as you haue seene, so cleare and manifest, that no learned man can from his hart deny them, howsoeuer some one or other for some temporall respect, end, or motiue, may speake or write con-

trary to his mind and knowledge.

8. But, as *Widdrington* towards the end of his Answer to *Fitzherberts* Preface well obserueth out of *Molina*, and *Lessius*, both famous Iesuites, there is a great difference betwixt the *possessing* of temporall and corporall goods, as Lands, Houses, Crownes, Kingdomes, and the like, and the *possessing* of authoritie, Iurisdiction, rights, and claymes, which one may pretend to haue to such temporall goods. For that *possession* properly is onely of temporall goods; and such goods may properly be *possessed*, although the party, who hath true right to those goods, contradicteth neuer so much; but rights, and claymes are not *properly possessed*, but they are onely said to be, *as it were, in some sort*, or *improperly possessed*: and besides, to the *possessing* of power, authoritie, iurisdiction, right, or claime to any temporall thing, in such manner as right, iurisdiction, and claime may be sayd to be possessed, it is necessarie, that the right or claime, which is pretended, be without contradiction and resistance

ſiſtance of the aduerſe part. Otherwiſe if one ſhould challenge any right or authoritie be it good or bad, true or falſe, and ſhould exerciſe that pretended right or authoritie, the aduerſe part contradicting, he might neuertheleſſe be ſaid to bee in poſſeſſion of that right or authoritie, which is manifeſtly falſe and abſurd. For ſo if a Lay-man ſhould pretend to haue true ſpirituall iuriſdiction ouer Clergie men, as power to excommunicate, and ſhould exerciſe that pretended iuriſdiction, hee might be ſaid to be in poſſeſſion of true ſpirituall iuriſdiction, although the Clergie ſhould neuer ſo much contradict and except againſt the ſame. And for this reaſon, albeit ſome *Popes* haue for as many hundreds of yeares, as haue beene ſince the time of Pope *Gregorie* the Seuenth, challenged a right and authoritie to depriue *Kings* of their regall Souerainetie, yet they cannot be ſaid to haue beene for one day or one houre in *poſſeſſion* of that their pretended right and authoritie, becauſe Chriſtian Kings and Subiects,

from the time of *Henrie* the Fourth Emperour, who was the first Emperour that was depriued by Pope *Gregorie* the Seuenth, vntill the time of *Henrie* the Fourth most Christian King, who was the last King who was depriued by Pope *Sixtus* the Fift, haue euer resisted and contradicted this pretended authoritie and clayme of *Popes* to depriue them of their temporalls. And although perchance there should haue beene, or hereafter shall be some or other Christian King, who for some priuate or publique respect and interest, hath not, or shall not resist the *Popes* sentence of depriuation denounced or to bee denounced against him, but rather yeeld thereunto, yet this cannot preiudice his successors, or be a sufficiēt ground, that the *Pope* may be truely said to be in *possession* of his pretended right, authority, and claime to depriue *Kings* in general, but at the most to depriue that *King* in particular, who did not resist or gainsay, but rather acknowledged the right and authority, which the *Pope* claimed to depriue him.

Finally,

9. *Finally*, although it may bee obiected, that diuerse *Popes* haue *practized* the *deposing* of *Princes*, and many learned Diuines haue approued the said *practice*, therefore the *practice* being approued by many learned and skilfull men in the Arte which they professe is truly probable, euen according to *Widdringtons* grounds, which he taketh from *Vasquez*: Yet this is easily answerd. For those *Popes* and *learned men* in approuing that *practice* for lawfull, did either thinke assuredly, that the doctrine for the *Popes* power to depriue *Princes* was most certaine, vnquestionable, and out of all controuersie, and that the contrarie doctrine was not at that time, nor could lawfully bee approued by any learned Catholike, which howsoeuer those Doctours might at that time thinke or be perswaded (wherein neuertheless they were greatly deceiued, because euen from the first broaching of this doctrine and practice by *Pope Gregorie* the VII. *A thing vnheard of before that Age*, saith *Onuphrius*, *it hath euer beene a great con-*

Onuphr. *lib.* 4. *de varia creat. Rom. Pont.*

Azor. cited aboue in the *Sixt* Obseruat.

trouersie, saith *Azor* the Iesuite, *betweene Popes and Emperours*) yet now it is so cleere and manifest, that there is at this time a great controuersie among learned Catholikes concerning this authoritie of the *Pope*, as that all the World both by the publike writings and proceedings in this controuersie can giue sufficient testimonie of the same: Or else those *Popes* and *Doctours*, did not consider and examine the difference betwixt *speculation* and *practice*, but without any further examination, thought euery doctrine that was probable and approoued by learned men in *speculation*, and might *speculatiuely* and abstracting from *practice* bee disputed in Schooles *pro* and *contra*, might also bee *practised*, and put in execution, not considering whether it tendeth to the preiudice of a third person, and to the dispossessing him of that which hee actually and *bona fide* possesseth, or no, whereas it is most certaine and out of all controuersie, (as hath beene shewed aboue) that it is open iniustice to depriue vpon a probable or controuersed

sed power or title any man of that which hee hath really in his possession.

10. Now it is euident, according to *Vasquez* doctrine which *Widdrington* followeth, and which stands with manifest reason; that the approbation, and authoritte of ancient or moderne Doctours is not sufficient to make their doctrine probable to other learned men, if either their doctrine bee grounded vpon some principle, which to those learned men is manifestly false, or it may bee confuted by some reason, which to those learned men seemeth inuincible and not to be answered, and which reason those Doctours haue not seene, considered, and examined; *Obseruandum tamen maxime est, &c. But it is greatly to bee obserued*, saith *Vasquez*, *that it may sometimes fall out, that the ancient Writers, whose opinions are now in controuersie, did not consider some Reason, Law, or Decree, which hath great force against their opinion: but contrariwise that the later Doctors being conuinced with that Reason, Law, or Decree, doe* now

Vasquez 1.2. *disp.62.cap.4. nu.18.* cited by Widder. *in disp. Theolog c.10. sec.2.nu.16.*

now defend the contrarie opinion. If therfore a learned man seeing that Law or Decree, or considering that new reason doth defend the opinion of the later Writers against the ancient, hee cannot follow in practice the opinion of the ancient Writers, against his owne opinion, or which is all one by reason of their authoritie and approbation, *because the opinion of the ancient, who haue not seene, or considered that Decree, or Reason, ought not now to be accounted probable.* And therefore *Widdrington* defining *probable* to bee that, which is *approued by learned and skilfull men,* for the better vnderstanding and explication of the last words, he added, *who haue seene and examined the difficultie,* for if they haue not seene and considered that particular difficultie and controuersie, they cannot bee accounted learned and skilfull therein.

11. Now the particular difficulty, and controuersie concerning this point, and which those *Popes* and *Doctours* mentioned in the obiection did not consider and examine, is, whether, supposing it to bee now a con-

controuersie, and to be approoued by learned Catholikes, that the *Pope* hath no authoritie to depriue *Princes*, it be not open iniustice in the *Pope* to depriue *Princes* of their Kingdomes and Dominions, which they really and *bona fide* doe possesse. And therefore vnlesse it can bee conuinced, that it is not at this day a controuersie among learned Catholikes, whether the *Pope* hath authoritie to depriue, which is as hard a matter, as to proue, that the Sunne doth not giue light at noone daies, or else that it is lawfull vpon a doubtfull, vncertaine, controuersed & probable power or title to thrust by violence any man out of that, which hee actually and *bona fide* possesseth, the *practice* of deposing *Princes*, vnder pretence of the probability of the *Popes* power to depriue *Princes*, cannot bee accounted probable to any learned man, so much as to excuse him in conscience, and in the sight of God from formall sinne and iniustice.

12. But to conclude with this *Obseruation*, which I wish you, (*Deare Countremen*) diligently to consider; That

That howsoeuer any Subiect concurring in *practice* with the *Pope* to the deposing of his lawfull Soueraigne *Prince*, may vnder pretence of some probabilitie of the doctrine to depose *Princes* by the *Popes* authoritie, perswade himselfe, that hee is excused from sinne and formall Treason in his conscience, and before the sight of God, (wherewith *Princes* not knowing the secrets of mens hearts, but leauing them to the iudgement of God, doe not intermeddle in their Tribunals) yet considering these *two* things: The *first*, that it is most certayne and out of all controuersie, that hee is excused in conscience, and before the sight of God from all sinne and offence in defending his lawfull *Prince*, who is in possession, and in resisting such inuasions and depositions which are grounded only vpon a probable power and title, whereas hee cannot with any reason assuredly perswade himselfe, that hee is secure in conscience by taking part with the *Pope* against his *Prince*, who is in possession of his Crowne: The *Second*, that it is

also

also most certaine, and out of all controuersie, that hee may iustly in taking the *Popes* part against his *Prince* being inuaded and depriued vnder pretence of a probable power and title (although in very deed the power and title were neuer so probable) bee accused and condemned both in the Secular and also Ecclesiasticall Court of the *Prince* inuaded of open and manifest Treason, and as a manifest Traitour be deseruedly put to death: for that it *is open iniustice in the Pope* (saith the *Authour* of the *Prelate* and the *Prince*) *to depriue a Prince of his Kingdome to which hee hath probable right, and withall possession*, and consequently it is open Treason in the Subiect to take part with the *Pope* in that case against his rightfull *Prince*. These two things, I say, being duly considered, I thinke those Subiects to bee starke mad and sensleſſe, and to haue neither the feare of God nor Man before their eyes, that can be drawne to approue such damnable practices, and consequently neither the doctrine, grounds, and principles thereof: or

to

to concurre with the *Pope*, to the de-
posing, and dispossessing of their So-
ueraigne *Prince*, vnder pretence of a
power, title, and clayme, which euen
in speculation, and abstracting from
practice, can bee at the most but pro-
bable. And so recommending to your
prudent considerations this my serious
and sincere aduertisement I make an
end, and request you euer to haue in
minde, that which I said in the be-
ginning, and cannot too often repeate:

1. *Pet.* 2. *Mat.* 22. *Feare God, Honour the King: Render to God and* Cæsar (and consequently to Popes and Princes) *that which is their due.*

A

A Copie of the *Oath* of Allegiance, or the *Firſt Article*, which the Lower Houſe of Parliament (wherein of 200. *Depnties* for the *Third Eſtates* were but fixe *Proteſtants*) propounded to the *French King*, to haue eſtabliſhed for a *fundamentall Law*, in the generall *Aſſembly* of the *three Eſtates*, holden at *Paris* in the yeere 1614.

The Firſt Article of the Third Eſtates, taken out of a Booke intituled, *Apologie de l'Article primier du Tiers Eſtat.* pag. 4.

THat, to *ſtay the courſe of that pernitious doctrine which ſome yeers ſince hath been broached, againſt Kings and Souereigne powers eſtabliſhed by God, by ſeditious ſpirits, who attend only to diſturbe and ſubuert the ſame, Supplication may bee made to the King, that hee will cauſe to bee decreed in the Aſſemblie of theſe Eſtates for a fundamentall Law of the Realme,* That, *for as much as hee is acknowledged Soueraigne in his Eſtate, nor houl-*

houlding his Crowne but from God alone. There *is not any power on Earth whatſoeuer it be. Spirituall or Temporall, which hath any right ouer his Kingdome to deprine the ſacred perſons of our Kings, nor to diſpence or abſolue for any cauſe or pretence whatſoeuer, their Subiects from the Allegiance and obedience which they owe to them:* That *all the Subiects of what qualitie or condition ſoeuer they be, ſhall hould this Law for holy and true, as agreeable to the Word of God, without diſtinction, equinocation, or limitation whatſoeuer:* Which *ſhall be ſworne and ſigned by all the Deputies of the Eſtates, and from henceforth by all that haue Benefices or offices in the Kingdome, before they enter into poſſeſſion of their Benefices, and bee admitted into their Offices:* That *all Maſters, Regents, Doctors, and Preachers ſhall bee bound to teach and publiſh, that the contrarie opinion,* to wit, *that it is lawfull to kill and depoſe our Kings, to riſe vp and rebell againſt them, to ſhake of the yoake of their obedience, for any occaſion whatſoeuer, is impious, deteſtable, and contrarie*

trarie to truth, and against the eſtabliſhment of the State of France, which dependeth immediatly on none but God: That *all Bookes which doe teach that falſe and peruerſe opinion, ſhall* be *held for ſeditious and to bee cenſured:* All *Strangers that ſhall write and publiſh it, for ſworne Enemies of the Crowne:* All *his Maieſties Subiects*, that *ſhall adhere vnto it*, of what qualitie or condition ſoeuer they be, *for Rebels, infringers of the fundamentall Lawes of the Kingdome, and guiltie of Treaſon in the higheſt degree.* And *if there be found any booke, or Diſcourſe written by any Stranger Eccleſiaſtike, or of any other qualitie, that containeth any propoſition contrarie to the ſaid Law directly or indirectly, the Eccleſiaſtikes of the ſame Order eſtabliſhed in France ſhall be bound to anſwere them, to impugne and contradict them inceſſantly, without reſpect, ambiguitie, or equiuocation, vnder paine of being puniſhed with the ſame puniſhments as aboue ſaid, as abetters of the enemies of this State.*

This

This *Article* is in effect and ſubſtance all one with our *new Oath* of *Allegiance*, and the lawfulneſſe thereof is manifeſt by the former Diſcourſe; and how greatly *Card. Peron* was miſtaken in impugning the ſaid *Article*, *Widdrington* ſheweth both in his *Anſwere* to *Fitz-herbert* part. 3. chap. 11. num. 15. & ſeq. and in his *Diſcuſſion* of the decree of the *Lateran Councell* againſt *Leſſius* part. 2. ſec. 9. and part. 3. ſec. 9.

A Copie of the *Arreſt*, or Decree of the Parliament of *Paris*, wherein *Card. Bellarmine* his booke againſt *William Barclay* is condemned.

Taken out of the *Records* of the Court of Parliament, the 26. of Nouember 1610.

THis preſent day the Kings Solicitours, (Lewis Seruin *the Kings Attorney making the Declaration*, and Lewis Duret *the Kings Aduocate ſubſcribing*) *aduertiſed the Court, that it was related to them, that ſome few*

Bellarmines booke, which was written, when our King Henry *the Great was liuing (in whose raigne none durst aduenture to diuulge the same) but published forthwith as soone as he was dead, wherein hee hath noted diuers places, which the* Parliament *may peruse, especially* pag. 37, 38. 57. 58. *and* 76. 77. *to which may be added* 160. 115. 116. *And moreouer, he exhibiteth in written hand the requests, which the* Kings Attorneys *doe in the* Kings *name demand; to wit, that by* Decree *of the* Parliament *it be enacted,* That none of what qualitie or condition soeuer, shall receiue, haue, keepe, print or vtter this booke of *Bellarmine,* vnder paine of Treason ordained against those that shal transgresse the same, &c.

The matter being examined, The great Chamber, Criminall, and of the Edict being assembled.

THe Court hath decreed and doth decree, that no person of what qualitie or condition soeuer, vnder payne of Treason ordayned against those that

transgresse the same, doe receive, keepe, communicate, print, vtter, or sell the said Booke, which contayneth that false and detestable proposition, tending to the subuersion of supreme Powers established and ordayned by God, inviting Subiects to rebellion, and derogating from the authoritie of Princes, animating to attempt against their liues and Crownes, and finally to disturbe the publike peace and quietnesse.

Those that haue Copies of the saide Booke, or know any that haue, are commanded forthwith to make it knowne to their Iudges, that, vpon the demand of the Kings Attorneys, Inquisition be made against the Crime, and those that be guiltie be punished accordingly. It forbiddeth vnder the same punishment Doctours, Professours, and others, to treat, dispute, write, teach directly or indirectly in Schooles, Colledges, or other places, the said proposition. The said Court hath ordayne, that this Decree bee sent, read, published, recorded, and obserued according to the aforesaid manner and forme in all the Benches subiect to the Iurisdiction of this Court. The Substitutes to the Kings

Kings Attorney are commanded to cause forthwith this Decree to be put in execution, and to advertise the Court within a moneth of their diligence. Made in Parliament vpon Friday 26. Nouemb. 1610.

Signed VOISIN.

The decree being made, the Kings Attorneys were sent for, to whom the pleasure of the Court was signified, and according to the Decree the said Booke of Bellarmine was deliuered to their hands.

A Copie of the *Arrest* or Decree of the *Parliament* of *Paris*, wherein *Suarez* his book, written in answer to our Kings Maiesties *Premonition*, &c. is condemned.

A Decree of the Court of Parliament made the 26. and executed the 27. of Iune 1614.

Against a Booke printed at Colen this present yeare, which is entituled, Francisci Suarez Granatensis Societatis

tatis Iesu doctoris Theologi Defensio fidei Catholicæ & Apostolicæ aduersus Anglicanæ sectæ errores, *containing many maximes and propositions contrarie to the Soueraigne powers of Kings ordayned and established by God, the safetie of their persons, the peace and quietnesse of the ir States.*

The Place ✠ where the Kings armes of France and Nauarre are set

At Paris,

By F. Morel and P. Mettayer the Kings ordinarie Printers and Stationers 1614. *With his Maiesties Priuiledge.*

Taken out of the Records of the Parliament.

The Court of the great Chamber, Criminall, and of the Edict *assembled, hauing seene the Booke printed at* Collen *this present yeare, entituled,* Francisci Suarez Granatensis Societatis Iesu Doctoris Theologi Defensio fidei Catholicæ & Apostolicæ aduersus Anglicanæ sectæ errores, *contayning in the third Booke* Chap. 23. p. 376. 79, 80, 82. Chap. 29. p. 410. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20. Chap. 6. pag. 834.

Taken out of the *Records of the* Parliament.

WHereas *the Kings* Attourney Generall *hath complayned to the* Court, *all the* Chambers *thereof being aſſembled, that albeit by many* Arreſts *or* Decrees, *heretofore made with great and mature deliberation, the* Court *hath confirmed the Maximes, which haue at all times beene held in* France, *and are naturally engrafted to the Crowne,* That the King doth not acknowledge any Superiour in Temporals of his Kingdome but God alone, *And that,* no power or authoritie can rightfully releaſe his Subiects from the Oath of Allegiance and Obedience which they owe to Him, nor ſuſpend, depriue, or depoſe him from his ſaid Kingdome: *and much leſſe,* to attempt, or to cauſe to attempt either by publike or priuate authoritie againſt the ſacred perſons of Kings: *Neuertheleſſe it hath beene aduertized, that by Diſcourſes, as well in priuate as in publike, many perſons, doe preſume to call in queſtion the ſaid Max-*

Maximes, to dispute of them, and to hold them for problematike, from whence may arise very many inconueniences, which of necessitie must be preuided against, and that speedily: Hee (*the said* Attourney) *requesteth, that seeing the Court is assembled, all businesses set aside, it will bee pleased to ordaine, that the said* Decrees *shall be renewed, and againe published in all the Benches subiect to the Iurisdiction of this Court; to the end that the mindes of all the Kings Subiects, of what quality or condition so euer, may be kept firme and assured concerning the said Maximes, and Rules, and for the safetie of the* Kings *life, the publike peace and quietnesse: With Inhibitions not to transgresse the same vnder the penalties set downe by the said* Arrests. *And that it be enioyned to all their Substitutes to cause the publication thereof to be made, and to certifie the Court within a moneth, vnder paine to be depriued of their Offices.*

The Court, *all the* Chambers *being assembled, hath ordayned and doth ordayne, that the* Arrests *of the* 2. Decemb.

cemb. 1561. *the* 29. Decemb. 1594. *the* 7. *of* Ianuarie, *and the* 19. *of* Iuly 1595. *the* 27. *of* May, *the* 8. *of* Iune, *and the* 26. *of* Nouemb. 1610. *and the* 26. *of* Iune 1614. *shall bee kept, and obserued according to their forme and tenour. Forbidding all persons, of what qualitie or condition soeuer, to transgresse the same. And to this end they shall bee published in the* Bayliwikes, Stewardships, *and other* Benches *subiect to this Court by the care of the* Substitutes *to the* Attourney Generall, *who shall certifie the Court with in a moneth vnder paine to answere it at their perill. Made in* Parliament *the second of* Ianuarie 1615.

Signed VOISIN.

The lawfulnesse of all these *Arrests* or *Decrees* is manifest, partly by that which hath beene said in this *Treatise*, in the *Fourth* and *Fift* Obseruation, and in the *Second*, *Third*, and *Fift* Chapters; and more particularly by *Widdrington* in his *Discussion* of the *Decree* of the *Lateran* Councell against

gainst *Lessius*, *part.* 2. *sect.* 9. for that Christian Princes by vertue of their temporall power haue good & full authoritie (according to the doctrine of *Ioannes Parisiensis*, *Victoria*, *Sotus*, *Bãnes*, *Conerrunias*, & which is grounded in manifest reason) to forbid the maintayning, teaching, and publishing, not only of hereticall erroneous, and false propositions, but also of all vnnecessarie doctrines and positions, be they neuer so probable, as the teaching and publishing of the same is dangerous to the Crownes and liues of temporall Princes, and tendeth to the subuersion of the State, and to the disturbance of the publike peace in the Ciuill Common-wealth, whereof the *Prince* hath charge, and to punish with temporall punishments the teachers, maintayners, and publishers, of such dangerous and seditious doctrines.

Ioh. Paris. *de potest. Reg. & Pap. c.* 21. *ad* 37. Victoria *Relect.* 1. *de potest. Eccles. sec.* 7. 5. octaua propositio. Sotus *in* 4. *dist.* 29. *q.* 1. *ar.* 4. Bannes 2. 2. *q.* 11. *ar.* 4. *q.* 1. *in fine.* Couerr. *cap.* 35. *practi. quæst.*

Hæc omnia Ecclesiæ Catholicæ iudicio subiecta sunto.

FINIS.